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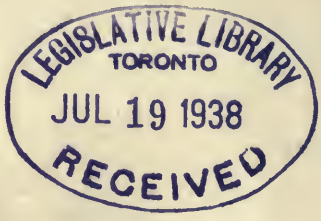

BILLS

AS INTRODUCED IN THE HOUSE

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REPRINTS AND THIRD READINGS

SESSIONS

DECEMBER 1st to DECEMBER 3rd

1937

and

FEBRUARY 23rd to APRIL 8th

1938

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BILLS

1st SESSION — 20th LEGISLATURE

DECEMBER 1st to DECEMBER 3rd

1937

No. 1

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend The Succession Duty Act, 1934

Mr. Conant

TORONTO
Printed by T. E. Bowman
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No. 1 1937

BILL

An Act to amend the Succession Duty Act, 1934.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Succession Duty Amendment Act, 1937, No. 2.*

1934, c. 55, s. 2*a*, subs. 1 (1937, c. 3, s. 3) amended.

2.—(1) Subsection 1 of section 2*a* of *The Succession Duty Act, 1934*, as enacted by section 3 of *The Succession Duty Amendment Act, 1937*, is amended by striking out the words "or if the death occur on a Sunday or holiday" in the tenth and eleventh lines and inserting in lieu thereof the words "or if there were no such prices or quotations listed or which could have been obtained on the day of the death of the deceased," and by striking out all the words after the word "obtained" in the thirteenth line and inserting in lieu thereof the words "provided that if the Treasurer is of opinion, after having considered the records, material, information, financial statements and things mentioned in subsection 2, or any of them, that the prices or quotations so listed or obtained do not represent the true value thereof, then the value of such bonds, debentures, guaranteed investments, shares, stocks or other securities may be determined as provided in subsection 2,", so that the said subsection shall now read as follows:

Listed securities.

(1) For the purposes of this Act, the fair market value at the date of the death of the deceased of bonds, debentures, guaranteed investments, shares, stocks and other securities which are listed on recognized exchanges, or if not so listed, on which prices or quotations may be obtained from financial journals, recognized financial reports or licensed brokers or traders, shall be the closing price or quotation so listed or obtained on the day of the death of the deceased, or if there were no such prices or quotations listed or which could have been obtained on the day of the death of the deceased, then on the last preceding business day on which such prices or quotations were so listed or could have been obtained; provided that if the Treasurer is of opinion, after

Explanatory Notes.

Section 2.—(1) This amendment is to complete the intention of the section by providing that if the death occurred on a business day on which no quotations were available the quotations on the last preceding business day on which quotations were available, shall prevail as well as if the date of death was on a Sunday or holiday.

The second amendment is made in order to allow the Treasurer to make a proper valuation.

having considered the records, material, information, financial statements and things mentioned in subsection 2, or any of them, that the prices or quotations so listed or obtained do not represent the true value thereof, then the value of such bonds, debentures, guaranteed investments, shares, stocks or other securities may be determined as provided in subsection 2.

1934, c. 55, s. 2*a*, subs. 2 (1937, c. 3, s. 3) amended.

(2) Subsection 2 of the said section 2*a* is amended by inserting after the word "obtained" in the fifth line the words "or as to which the Treasurer is of opinion that the prices or quotations so listed or obtained do not represent the true value" and by striking out the words "the financial position of the company, partnership or unincorporated business as disclosed by the balance sheets and the relative operating and surplus deficit accounts and such further information or material" in the eighth to twelfth lines and inserting in lieu thereof the words "such records, material, information, financial statements or things," and by striking out the words "for the purposes of this subsection" in the thirteenth and fourteenth lines, so that the said subsection shall now read as follows:

Unlisted securities.

(2) For the purposes of this Act the fair market value at the date of the death of the deceased of bonds, debentures, guaranteed investments, shares, stocks and other securities not listed or on which no prices or quotations may be obtained or as to which the Treasurer is of opinion that the prices or quotations so listed or obtained do not represent the true value as mentioned in subsection 1 and the fair market value of an interest in any partnership or unincorporated business, shall be the value determined by the Treasurer from such records, material, information, financial statements or things as the Treasurer may deem necessary; provided that where the assets of any such company, partnership or unincorporated business consist solely of bonds, debentures, guaranteed investments, shares, stocks or other securities which are listed or on which prices may be obtained, as mentioned in subsection 1, then, for the purposes of this subsection the same shall be valued as provided in subsection 1; provided further that where the assets of any such company, partnership or unincorporated business consist partly of bonds, debentures, guaranteed investments, shares, stocks or other securities which are listed or on which prices may be obtained, as mentioned in subsection 1, then, for the purposes of this subsection the same may at the discretion of the Treasurer, be valued partly as

(2) The existing section limits the basis of valuation to balance sheets and financial statements. The amendment enlarges the basis of valuation to all material considerations which may affect the value.

provided by subsection 1 and partly as provided by this subsection; provided further that no allowance shall be made for any debt for wages, salary or other remuneration due by any company, partnership or unincorporated business in which the deceased, either alone or in combination with any member of his family, was beneficially interested, directly or indirectly, to the extent of more than fifty per centum, to any member of his family except such part as the Treasurer may, in his discretion, deem reasonable or proper.

1934, c. 55, s. 6, (1937, c. 3, s. 7) amended.

3. Section 6 of *The Succession Duty Act, 1934*, as re-enacted by section 7 of *The Succession Duty Amendment Act, 1937*, is amended by striking out the words "at the rates hereinafter imposed" at the end thereof.

1934, c. 55, s. 9, subs. 1, cl. *c* repealed.

4.—(1) Clause *c* of subsection 1 of section 9 of *The Succession Duty Act, 1934*, is repealed.

1934, c. 55, s. 9, amended.

(2) The said section 9 is amended by adding thereto the following subsection:

Safety deposit boxes.

(1*a*) Unless the consent thereto, in writing, of the Treasurer is obtained, no person shall open or permit the opening of any safety deposit box or other repository, or remove or permit the removal from Ontario of any safety deposit box or other repository, or withdraw or permit the withdrawal of anything from any safety deposit box or other repository where such safety deposit box or other repository stands in the name of a deceased person either alone or jointly with any other person, or in the name of any member of the family of a deceased person either alone or jointly with any other person or where a deceased person or any member of the family of a deceased person had access or right of access, either directly or indirectly, to any such safety deposit box or other repository.

1934, c. 55, s. 9, subs. 2, amended.

(3) Subsection 2 of the said section 9 is amended by striking out the words, letter and figure "clause *c* of subsection 1" in the second line and inserting in lieu thereof the word, figure and letter "subsection 1*a*", and by striking out the word and letter "clause *c*" where it occurs in the fourth and thirteenth lines and inserting in lieu thereof the word, figure and letter "subsection 1*a*", so that the said subsection shall now read as follows:

Opening of safety deposit boxes, etc.

(2) Notice in writing of the intention to open any safety deposit box as is mentioned in subsection 1*a* or to

SECTION 3.—The words "at the rates hereinafter imposed" are struck out as being unnecessary and in order to give full effect to the provisions of section 11 of this Bill.

SECTION 4.—The purpose of this amendment is to clarify the circumstances under which a consent to open a safety deposit box is necessary.

withdraw therefrom according to the meaning of the said subsection 1*a*, shall be served on the Treasurer or his representative at least ten days, or other period to which the Treasurer may agree, before such opening or withdrawal is intended to take place, and the Treasurer or his representative may attend at the time and place of such opening or withdrawal and there give a consent in writing to the same as provided herein, and he may examine the contents thereof, or the Treasurer or his representative may give such consent without attending and examining as herein provided, but such consent shall apply only to the acts mentioned in the said subsection 1*a*.

1934, c. 55, s. 10, subs. 6, amended.

5. Subsection 6 of section 10 of *The Succession Duty Act, 1934*, as amended by section 5 of *The Succession Duty Amendment Act, 1935*, and subsection 3 of section 10 of *The Succession Duty Amendment Act, 1937*, is further amended by striking out the words "pay to the Treasurer the amount which, with the duty previously payable or paid on the property properly disclosed (or on the transmission thereof) shall be sufficient to cover the whole of the duty chargeable at the rates fixed by this Act, and shall at the same time" in the fifth to eleventh lines, by striking out the word "further" in the twelfth line, and by striking out the word "of" where it occurs the first time in the twelfth line and inserting in lieu thereof the words "equal to," so that the said subsection shall now read as follows:

Property not disclosed on application for probate, etc.

(6) If at any time it shall be discovered that any property or disposition of property was not disclosed upon the grant of letters probate or of administration, or the filing of the account, the person acting in the administration of such property, and the person who is liable for the duty payable under this Act, shall pay to the Treasurer, as a penalty, a sum equal to one hundred per centum of the duty chargeable on the property or in respect of the disposition of property not disclosed (or on the transmission thereof) and shall also within two months after the discovery of the omission deliver to the surrogate registrar or the Treasurer an affidavit or account setting forth the property or disposition not so disclosed, and the value thereof, in default of which they shall each incur a penalty of $10 for each day during which the default continues.

1934, c. 55, s. 20, subs. 1, amended.

6.—(1) Subsection 1 of section 20 of *The Succession Duty Act, 1934*, is amended by inserting after the word "duty" in the first line the words "interest and penalties," by striking out the word "shall" in the first line and inserting in lieu thereof the word "may," by inserting after the word "Majesty" in the

SECTION 5.—This amendment is made so that subsection 6 of section 10 of the Act will conform with subsection 8 of section 22 of the Act as enacted by section 7 of this Bill.

SECTION 6.—(1) This amendment is self-explanatory.

second line the words "represented herein by the Treasurer," and by striking out the words "or on summary application to" in the third and fourth lines, so that the said subsection shall now read as follows:

Recovery of duties by action.

(1) Any duty, interest and penalties payable under this Act may be recoverable with full costs as a debt due to His Majesty, represented herein by the Treasurer, from any person liable therefor by action in any court of competent jurisdiction.

1934, c. 55, s. 20, subss. 2, 3, 4, repealed.

(2) Subsections 2, 3 and 4 of the said section 20 are repealed.

1934, c. 55, s. 20, subs. 5, amended.

(3) Subsection 5 of the said section 20 is amended by striking out the word "Attorney-General" in the second line and inserting in lieu thereof the word "Treasurer."

1934, c. 55, s. 22, re-enacted.

7. Section 22 of *The Succession Duty Act, 1934*, as amended by section 9 of *The Succession Duty Amendment Act, 1935*, and section 13 of *The Succession Duty Amendment Act, 1937*, is repealed and the following substituted therefor:

Commissioner to investigate.

22.—(1) Notwithstanding anything in this Act or in any other Act contained, the Treasurer may appoint a commissioner to make any examination, investigation or inquiry in order to assist the Treasurer in ascertaining what, if any, duty is or may be payable under this Act.

Copy of appointment may be served.

(2) A copy of any such appointment may be served upon any person at any time, either personally or by registered post.

Further powers.

(3) The commissioner shall have the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath and to produce documents, records and things as is vested in any court in civil cases, save that the commissioner shall not be bound by the provisions of rules of court or of law relating to the service of subpoenaes upon, and to payment of conduct money or witness fees to witnesses, and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated

(2) Subsection 2 is repealed as it would conflict with the procedure aid down in section 22 of the Act as enacted by section 7 of this Bill.

Subsections 3 and 4 are repealed as being unnecessary and because of possible conflict with subsection 1 as well as with the procedure under section 22.

(3) This amendment is self-explanatory.

SECTION 7.—The re-enactment of section 22 is for the purpose of simplifying and clarifying the provisions respecting the investigation of estates and for establishing a procedure for reviewing the amount claimed to be payable as a result of such investigation, and in the event of disagreement, for bringing the matter before the courts for final determination. The procedure laid down follows the established procedure contained in the Dominion and Provincial Income Tax Acts.

or exposed to a penalty under this or any other Act, or to civil litigation, and no evidence shall be privileged except under *The Evidence Act* and the *Canada Evidence Act* and save further that the provisions of *The Evidence Act* shall not exempt any bank, or any officer or employee thereof, from the operation of this section.

Evidence *de bene esse.*

(4) A judge of the Supreme Court may on the application of the commissioner, make an order that the evidence of any person shall be taken *de bene esse* or that it shall be taken out of Ontario by commission or otherwise in the like circumstances and with the like effect as a similar order may be made in an action in such Court.

Record of proceedings.

(5) A record of the proceedings before a commissioner shall be made in shorthand and may be transcribed upon the order of the Treasurer, the commissioner or any interested person.

Commissioner's report.

(6) The commissioner shall within thirty days after the completion of the examination, investigation or inquiry, or within such further period as the Treasurer may allow, report in writing to the Treasurer.

Treasurer's statement.

(7) After consideration of the commissioner's report the Treasurer may send by registered post to the person, if any, acting in the administration of the property and to the person liable for the duty, a statement showing the appraisement of the property and the property, if any, in respect of which there is a disposition, the liability for duty and the amount of duty, interest, and penalties claimed to be payable.

Additional penalties.

(8) (*a*) Notwithstanding the provisions of subsection 6 of section 10, wherever the Treasurer as a result of any proceeding taken under this section, finds that any property or disposition of property was not disclosed in accordance with the requirements of section 10, the person acting in the administration of such property and the person liable for the duty shall pay to the Treasurer as a penalty a sum equal to two hundred per centum of the duty chargeable with respect to the property not disclosed and with respect to the disposition of property not disclosed, and they shall each incur and pay an additional penalty for each day during which default in making disclosure continues, of $1 per day for each full

$10,000 in value of the property or disposition of property in respect of which default in disclosure occurred, up to $100 per day.

Interest.

(*b*) In addition to the interest mentioned in subsection 1 of section 14, the amount of duty, interest and penalties due to the Treasurer as a result of any proceeding taken under this section shall, as a penalty, bear interest at the rate of one per centum per month or part of a month until fully paid and satisfied, to be computed from thirty days after the date of mailing the Treasurer's statement.

Notice of appeal.

(9) Any person who objects to the amount of duty, interest or penalties set out in the Treasurer's statement may personally or by his solicitor, within thirty days after the date of mailing such statement, serve a notice of appeal upon the Treasurer in the following form:

THE SUCCESSION DUTY ACT, 1934.

In the matter of the estate of , late of the of in the County of , deceased.

NOTICE OF APPEAL.

Notice of appeal is hereby given from the statement of the Treasurer of Ontario, bearing date the day of , 19 , given pursuant to subsection 7 of section 22 of *The Succession Duty Act, 1934*.

1. A full statement of the facts is as follows:
(*insert full statement here*)

2. A full statement of the reasons for appeal is as follows:
(*insert full statement here*)

Dated this day of , 19 .

Appellant.

Treasurer's notice of decision.

(10) Upon receipt of the notice of appeal the Treasurer shall confirm or amend the statement appealed against and shall, by registered post, notify the appellant of his decision.

Notice of dissatisfaction.

(11) (*a*) If the appellant is dissatisfied with the Treasurer's decision he may within thirty days from the mailing of such decision, mail to the Treasurer by registered post, a notice of dissatisfaction in the following form:

THE SUCCESSION DUTY ACT, 1934.

In the matter of the estate of , late of the of in the County of , , deceased.

NOTICE OF DISSATISFACTION.

TAKE NOTICE that I am dissatisfied with the decision of the Treasurer given pursuant to subsection 10 of section 22 of *The Succession Duty Act, 1934.*

AND FURTHER TAKE NOTICE that I desire my appeal to be set down for trial.

Dated this day of , 19 .

Appellant.

Final statement.

(*b*) The appellant shall forward therewith a final statement of such further facts, statutory provisions and reasons which he intends to submit to the court in support of the appeal as were not included in the notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court.

Security for costs.

(12) The appellant shall thereupon give security in $400 for costs in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant may pay into court the sum of $200 in which case the appellant shall, when paying such sum into court state the purpose for which it is paid and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Duty to be debt.

(13) Upon default in compliance with the provisions of subsections 9, 11 or 12,—

(*a*) The amount claimed for duty, interest and penalties as determined by the Treasurer under this section shall be payable forthwith to the Treasurer; and

(*b*) the amount of duty, interest and penalties payable by the person liable for the duty shall remain a first lien and charge upon the property in Ontario in respect of which it is payable until paid.

Reply.

(14) Within six months after the receipt of the notice of dissatisfaction and statement of facts the Treasurer may mail or cause to be mailed by registered post addressed to the appellant, a reply thereto admitting or denying the facts alleged and confirming or amending the amount of duty, interest or penalties as previously determined by the Treasurer under this section to be payable.

Proceedings in court.

(15) (*a*) Within ninety days after the mailing of the reply the Treasurer may file copies of the documents set out hereunder, or such of them as shall have been delivered as provided in this section, with the local registrar of the Supreme Court for the county or district in which the deceased resided at the date of death, or, where the deceased died resident outside Ontario, with the registrar of such court and such documents when so filed shall form the record,—

1. Affidavit of value and relationship.
2. Affidavit of debts.
3. Statement of Treasurer.
4. Notice of appeal to Treasurer.
5. Notice of Treasurer's decision.
6. Notice of dissatisfaction.
7. Reply.

Practice and procedure.

(*b*) The proceeding shall thereupon become a cause in the Supreme Court and shall be set down or entered for trial upon notice to all persons against whom the Treasurer seeks to recover duty, interest or penalties, according to the rules of such court and shall thereafter be proceeded with in the same manner as an action in such court and the practice and procedure of the Supreme Court relating to actions in which His Majesty is a party, including the right of appeal, and the practice and procedure relating to appeals shall thereafter apply to every such cause and every judgment and order given or made may be enforced in the same manner and by the like process as a judgment or order given or made in an action in such Court.

1934, c. 55, amended.

8. *The Succession Duty Act, 1934*, is amended by adding thereto the following sections:

SECTION 8.—The purpose of section 22*a* is to provide for the investigation of estates by the officials of the Department.

Appointment of special investigator.

22*a*.—(1) The Treasurer may appoint any person as a special investigator to make any examination, investigation or inquiry in order to assist the Treasurer in ascertaining what, if any, duty is or may be payable under this Act.

Further powers.

(2) If authorized so to do by the Treasurer a special investigator shall have the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath and to produce documents, records and things as is vested in any court in civil cases, save that the special investigator shall not be bound by the provisions of rules of court or of law relating to the service of subpoenaes upon, and to the payment of conduct money or witness fees to witnesses, and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty under this or any other Act, or to civil litigation, and no evidence shall be privileged except under *The Evidence Act* and the *Canada Evidence Act*, and save further that the provisions of *The Evidence Act* shall not exempt any bank, or any officer or employee thereof, from the operation of this section.

Copy of appointment to be served.

(3) A copy of any such appointment may be served upon any person at any time.

Penalty for destroying, concealing or removing, property or evidence.

22*b*. Notwithstanding any other provisions of this Act, any person who, after being served with a copy of the appointment of a commissioner or of a special investigator and who, not having received the written consent of the Treasurer therefor,—

(*a*) destroys, mutilates, defaces or alters, or permits the destruction, mutilation, defacement or alteration of; or

(*b*) conceals or permits to be concealed; or

(*c*) removes or permits to be removed from Ontario;

any property, muniment or evidence of title to or of interest in any property, or property or muniment or evidence of title to or of interest in any property in respect of which there is a disposition, which is or may be dutiable, or any property, muniment or evidence of title belonging to or in the pos-

Section 22*b* is self-explanatory.

session of any executor, or any trustee under any trust created by a deceased person or belonging to or in the possession of any person who may be liable for duty, or any books, records, memoranda, documents or papers relating to any of the foregoing, shall be guilty of an offence and liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Penalty for failure to appear or produce.

22*c*. Any person who is summoned by a commissioner or by a special investigator and who, without reasonable excuse, fails to appear or who refuses to give evidence or answer any proper question, or any person who, without lawful excuse, fails or refuses to produce anything when so requested, shall be guilty of an offence and for each offence shall be liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Direction to hold.

25*k*.—(1) The Treasurer may, in writing, or by telegram, direct any person having on deposit, in custody, under control or for safe keeping,—

(*a*) any property, security, muniment or evidence of title to or of interest in any property which is or may be dutiable; or

(*b*) any property, security, muniment or evidence of title to or of interest in any property of which there is a disposition in respect of which duty is or may be payable; or

(*c*) any safety deposit box or other repository or any property, muniment or evidence of title, in the name of, belonging to, or in the possession of any executor or any trustee under any trust created by a deceased person, or any person who may be liable for duty;

to hold such property, security, muniment or evidence of title or interest, safety deposit box or other repository, until the Treasurer, in writing, revokes such direction; provided that the Treasurer may modify any such direction.

Penalty.

(2) Any person who, without lawful excuse, fails to comply with any such direction shall be guilty of an offence and liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Section 22*c* is self-explanatory.

Section 25*k* is to ensure that assets shall not be removed pending an investigation.

Application for direction.

(3) Any person in receipt of any such direction, if in doubt as to the application of such direction or in case of a claim being made to anything mentioned therein by any person not named therein, may, upon notice in writing thereof to the Treasurer, apply to a judge of the Supreme Court for an order directing the disposition of such fund, security or other property, and such judge may make such order as to costs as may seem just.

Penalty for refusing to produce.

25*l*. Every person, when requested by the Treasurer or by any person authorized under this Act, shall produce any thing which may be required for the purposes of this Act, and any person who, without lawful excuse, refuses to produce any thing so requested shall be guilty of an offence and shall for each offence be liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Powers may be delegated.

25*m*. The powers and duties conferred upon the Treasurer by this Act may be delegated by him to the deputy and officials of his Department who may act for him in his place and stead.

1934, c. 55, s. 25*a*, subs. 1 (1935, c. 67, s. 10) amended.

9. Subsection 1 of section 25*a* of *The Succession Duty Act, 1934*, as enacted by section 10 of *The Succession Duty Amendment Act, 1935*, and amended by section 15 of *The Succession Duty Amendment Act, 1937*, is further amended by inserting after the word "interest" in the thirteenth line the words "the payment of penalties," by inserting after the word "otherwise" in the fourteenth line the words "and whether or not payment has been made in whole or in part," by striking out the words "in such cases as may to him seem proper" in the fourteenth and fifteenth lines and by inserting before the word "officer" where it occurs in the third and nineteenth lines the word "Treasurer," so that the said subsection shall now read as follows:

Treasurer may reopen estates, etc.

(1) Notwithstanding anything in this Act or in any other Act contained, and notwithstanding that any Treasurer, officer or servant of the Crown, shall have made at any time, any decision, whether of law or fact, or any ruling, valuation or settlement, or shall have given, at any time, any consent, receipt, discharge, certificate or other document in any matter which in any way relates to any estate or property or transmission or disposition, which may be subject to duty, and whether relating to the liability to duty, the valuation for purposes of duty, the rate of duty, the payment of interest, the payment of

Section 25*l* is self-explanatory.

Section 25*m*—The administration of *The Succession Duty Act* is vested in the Treasurer. It is necessary for him to delegate his authority to officials of his Department in order to administer the Act. This section conforms with the practice in the Department.

SECTION 9.—The purposes of these amendments are to clarify the existing subsection, and are self-explanatory.

penalties, the extension of time for payment of duty, or otherwise, and whether or not payment has been made in whole or in part, the Treasurer may reopen, revoke, revise, alter, recall or change any such decision, ruling, valuation, settlement, consent, receipt, discharge, certificate or other document and may deal with such matter to the same extent as though such Treasurer, officer, or servant had not so made such decision, ruling, valuation or settlement, or so given such consent, receipt, discharge, certificate or other document.

1934, c. 55, s. 25*h* (1937, c. 3, s. 16) amended.

10. Section 25*h* of *The Succession Duty Act, 1934*, as enacted by section 16 of *The Succession Duty Amendment Act, 1937*, is amended by adding at the end thereof the words "and section 18 of *The Judicature Act* and section 5 of *The Fines and Forfeitures Act* shall not apply," so that the said section shall now read as follows:

Penalties,—how recoverable. Rev. Stat., cc. 121, 88, 129.

25*h*. The penalties imposed by this Act may be recovered under *The Summary Convictions Act* and shall be payable to the Treasurer, and section 18 of *The Judicature Act* and section 5 of *The Fines and Forfeitures Act* shall not apply.

1934, c. 55, s. 6, *part* (1937, c. 3, s. 7) effective from 1st July, 1892.

11.—(1) Notwithstanding anything in this Act or in any other Act contained, section 6, except clause *d* thereof, of *The Succession Duty Act, 1934*, as enacted by section 7 of *The Succession Duty Amendment Act, 1937*, shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892; provided however, that the rates of duty which shall apply to the property, transmissions and dispositions mentioned in the said section shall be the rates of duty which were in force at the date of the death of the deceased; provided further that such rates shall be deemed to apply to all such property and to every such transmission and disposition and wherever in any provision affecting such rates and in any provision on which such rates are based the words "aggregate value," "aggregate value of the property," "property," "property passing on the death" or terms of like import occur, they shall be deemed to include the property, transmissions and dispositions mentioned in the said section 6.

1934, c. 55, ss. 6*a*, cl. *g*, 6*b*, 6*c*, 6*d*, 6*e* (1937, c. 3, s. 7) effective from 1st July, 1892.

(2) Notwithstanding anything in this Act or in any other Act contained, clause *g* of section 6*a*, sections 6*b*, 6*c*, 6*d* and 6*e* of *The Succession Duty Act, 1934*, as enacted by section 7 of *The Succession Duty Amendment Act, 1937*, shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892.

SECTION 10.—This section is self-explanatory.

SECTION 11.—This section makes the provisions of section 6, except clause *d*, clause *g* of section 6*a* and sections 6*b*, 6*c*, 6*d* and 6*e* of *The Succession Duty Act, 1934*, as enacted by section 7 of *The Succession Duty Amendment Act, 1937*, retroactive to the 1st day of July, 1892. Clause *d* of section 6, which is excepted, taxes persons in Ontario in respect of dispositions made outside Ontario.

Commencement of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent, and sections 2, 3 and 9 shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892.

No. 1

BILL

An Act to amend The Succession Duty Act, 1934.

1st Reading

December 1st, 1937

2nd Reading

3rd Reading

MR. CONANT

1937

No. 1

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend The Succession Duty Act, 1934

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 1 1937

BILL

An Act to amend The Succession Duty Act, 1934.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Succession Duty Amendment Act, 1937, No. 2.*

1934, c. 55, s. 2*a*, subs. 1 (1937, c. 3, s. 3) amended.

2.—(1) Subsection 1 of section 2*a* of *The Succession Duty Act, 1934*, as enacted by section 3 of *The Succession Duty Amendment Act, 1937*, is amended by striking out the words "or if the death occur on a Sunday or holiday" in the tenth and eleventh lines and inserting in lieu thereof the words "or if there were no such prices or quotations listed or which could have been obtained on the day of the death of the deceased," and by striking out all the words after the word "obtained" in the thirteenth line and inserting in lieu thereof the words "provided that if the Treasurer is of opinion, after having considered the records, material, information, financial statements and things mentioned in subsection 2, or any of them, that the prices or quotations so listed or obtained do not represent the true value thereof, then the value of such bonds, debentures, guaranteed investments, shares, stocks or other securities may be determined as provided in subsection 2," so that the said subsection shall now read as follows:

Listed securities.

(1) For the purposes of this Act, the fair market value at the date of the death of the deceased of bonds, debentures, guaranteed investments, shares, stocks and other securities which are listed on recognized exchanges, or if not so listed, on which prices or quotations may be obtained from financial journals, recognized financial reports or licensed brokers or traders, shall be the closing price or quotation so listed or obtained on the day of the death of the deceased, or if there were no such prices or quotations listed or which could have been obtained on the day of the death of the deceased, then on the last preceding business day on which such prices or quotations were so listed or could have been obtained; provided that if the Treasurer is of opinion, after

having considered the records, material, information, financial statements and things mentioned in subsection 2, or any of them, that the prices or quotations so listed or obtained do not represent the true value thereof, then the value of such bonds, debentures, guaranteed investments, shares, stocks or other securities may be determined as provided in subsection 2.

(2) Subsection 2 of the said section 2*a* is amended by inserting after the word "obtained" in the fifth line the words "or as to which the Treasurer is of opinion that the prices or quotations so listed or obtained do not represent the true value" and by striking out the words "the financial position of the company, partnership or unincorporated business as disclosed by the balance sheets and the relative operating and surplus deficit accounts and such further information or material" in the eighth to twelfth lines and inserting in lieu thereof the words "such records, material, information, financial statements or things," and by striking out the words "for the purposes of this subsection" in the thirteenth and fourteenth lines, so that the said subsection shall now read as follows: 1934, c. 55, s. 2*a*, subs. 2 (1937, c. 3, s. 3) amended.

(2) For the purposes of this Act the fair market value at the date of the death of the deceased of bonds, debentures, guaranteed investments, shares, stocks and other securities not listed or on which no prices or quotations may be obtained or as to which the Treasurer is of opinion that the prices or quotations so listed or obtained do not represent the true value as mentioned in subsection 1 and the fair market value of an interest in any partnership or unincorporated business, shall be the value determined by the Treasurer from such records, material, information, financial statements or things as the Treasurer may deem necessary; provided that where the assets of any such company, partnership or unincorporated business consist solely of bonds, debentures, guaranteed investments, shares, stocks or other securities which are listed or on which prices may be obtained, as mentioned in subsection 1, then, for the purposes of this subsection the same shall be valued as provided in subsection 1; provided further that where the assets of any such company, partnership or unincorporated business consist partly of bonds, debentures, guaranteed investments, shares, stocks or other securities which are listed or on which prices may be obtained, as mentioned in subsection 1, then, for the purposes of this subsection the same may at the discretion of the Treasurer, be valued partly as Unlisted securities.

provided by subsection 1 and partly as provided by this subsection; provided further that no allowance shall be made for any debt for wages, salary or other remuneration due by any company, partnership or unincorporated business in which the deceased, either alone or in combination with any member of his family, was beneficially interested, directly or indirectly, to the extent of more than fifty per centum, to any member of his family except such part as the Treasurer may, in his discretion, deem reasonable or proper.

1934, c. 55, s. 6, (1937, c. 3, s. 7) amended.

3. Section 6 of *The Succession Duty Act, 1934*, as re-enacted by section 7 of *The Succession Duty Amendment Act, 1937*, is amended by striking out the words "at the rates hereinafter imposed" at the end thereof.

1934, c. 55, s. 9, subs. 1, cl. *c* repealed.

4.—(1) Clause *c* of subsection 1 of section 9 of *The Succession Duty Act, 1934*, is repealed.

1934, c. 55, s. 9, amended.

(2) The said section 9 is amended by adding thereto the following subsection:

Safety deposit boxes.

(1*a*) Unless the consent thereto, in writing, of the Treasurer is obtained, no person shall open or permit the opening of any safety deposit box or other repository, or remove or permit the removal from Ontario of any safety deposit box or other repository, or withdraw or permit the withdrawal of anything from any safety deposit box or other repository where such safety deposit box or other repository stands in the name of a deceased person either alone or jointly with any other person, or in the name of any member of the family of a deceased person either alone or jointly with any other person or where a deceased person or any member of the family of a deceased person had access or right of access, either directly or indirectly, to any such safety deposit box or other repository.

1934, c. 55 s. 9, subs. 2, amended.

(3) Subsection 2 of the said section 9 is amended by striking out the words, letter and figure "clause *c* of subsection 1" in the second line and inserting in lieu thereof the word, figure and letter "subsection 1*a*", and by striking out the word and letter "clause *c*" where it occurs in the fourth and thirteenth lines and inserting in lieu thereof the word, figure and letter "subsection 1*a*", so that the said subsection shall now read as follows:

Opening of safety deposit boxes, etc

(2) Notice in writing of the intention to open any safety deposit box as is mentioned in subsection 1*a* or to

withdraw therefrom according to the meaning of the said subsection 1*a*, shall be served on the Treasurer or his representative at least ten days, or other period to which the Treasurer may agree, before such opening or withdrawal is intended to take place, and the Treasurer or his representative may attend at the time and place of such opening or withdrawal and there give a consent in writing to the same as provided herein, and he may examine the contents thereof, or the Treasurer or his representative may give such consent without attending and examining as herein provided, but such consent shall apply only to the acts mentioned in the said subsection 1*a*.

1934, c. 55, s. 10, subs. 6, amended.

5. Subsection 6 of section 10 of *The Succession Duty Act, 1934*, as amended by section 5 of *The Succession Duty Amendment Act, 1935*, and subsection 3 of section 10 of *The Succession Duty Amendment Act, 1937*, is further amended by striking out the words "pay to the Treasurer the amount which, with the duty previously payable or paid on the property properly disclosed (or on the transmission thereof) shall be sufficient to cover the whole of the duty chargeable at the rates fixed by this Act, and shall at the same time" in the fifth to eleventh lines, by striking out the word "further" in the twelfth line, and by striking out the word "of" where it occurs the first time in the twelfth line and inserting in lieu thereof the words "equal to," so that the said subsection shall now read as follows:

Property not disclosed on application for probate, etc.

(6) If at any time it shall be discovered that any property or disposition of property was not disclosed upon the grant of letters probate or of administration, or the filing of the account, the person acting in the administration of such property, and the person who is liable for the duty payable under this Act, shall pay to the Treasurer, as a penalty, a sum equal to one hundred per centum of the duty chargeable on the property or in respect of the disposition of property not disclosed (or on the transmission thereof) and shall also within two months after the discovery of the omission deliver to the surrogate registrar or the Treasurer an affidavit or account setting forth the property or disposition not so disclosed, and the value thereof, in default of which they shall each incur a penalty of $10 for each day during which the default continues.

1934, c. 55, s. 20, subs. 1, amended.

6.—(1) Subsection 1 of section 20 of *The Succession Duty Act, 1934*, is amended by inserting after the word "duty" in the first line the words "interest and penalties," by striking out the word "shall" in the first line and inserting in lieu thereof the word "may," by inserting after the word "Majesty" in the

second line the words "represented herein by the Treasurer," and by striking out the words "or on summary application to" in the third and fourth lines, so that the said subsection shall now read as follows:

Recovery of duties by action.

(1) Any duty, interest and penalties payable under this Act may be recoverable with full costs as a debt due to His Majesty, represented herein by the Treasurer, from any person liable therefor by action in any court of competent jurisdiction.

1934, c. 55, s. 20, subss. 2, 3, 4, repealed.

(2) Subsections 2, 3 and 4 of the said section 20 are repealed.

1934, c. 55, s. 20, subs. 5, amended.

(3) Subsection 5 of the said section 20 is amended by striking out the word "Attorney-General" in the second line and inserting in lieu thereof the word "Treasurer."

1934, c. 55, s. 22, re-enacted.

7. Section 22 of *The Succession Duty Act, 1934*, as amended by section 9 of *The Succession Duty Amendment Act, 1935*, and section 13 of *The Succession Duty Amendment Act, 1937*, is repealed and the following substituted therefor:

Commissioner to investigate.

22.—(1) Notwithstanding anything in this Act or in any other Act contained, the Treasurer may appoint a commissioner to make any examination, investigation or inquiry in order to assist the Treasurer in ascertaining what, if any, duty is or may be payable under this Act.

Copy of appointment may be served.

(2) A copy of any such appointment may be served upon any person at any time, either personally or by registered post.

Further powers.

(3) The commissioner shall have the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath and to produce documents, records and things as is vested in any court in civil cases, save that the commissioner shall not be bound by the provisions of rules of court or of law relating to the service of subpoenaes upon, and to payment of conduct money or witness fees to witnesses, and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated

or exposed to a penalty under this or any other Act, or to civil litigation, and no evidence shall be privileged except under *The Evidence Act* and the *Canada Evidence Act* and save further that the provisions of *The Evidence Act* shall not exempt any bank, or any officer or employee thereof, from the operation of this section.

Evidence *de bene esse.*

(4) A judge of the Supreme Court may on the application of the commissioner, make an order that the evidence of any person shall be taken *de bene esse* or that it shall be taken out of Ontario by commission or otherwise in the like circumstances and with the like effect as a similar order may be made in an action in such Court.

Record of proceedings.

(5) A record of the proceedings before a commissioner shall be made in shorthand and may be transcribed upon the order of the Treasurer, the commissioner or any interested person.

Commissioner's report.

(6) The commissioner shall within thirty days after the completion of the examination, investigation or inquiry, or within such further period as the Treasurer may allow, report in writing to the Treasurer.

Treasurer's statement.

(7) After consideration of the commissioner's report the Treasurer may send by registered post to the person, if any, acting in the administration of the property and to the person liable for the duty, a statement showing the appraisement of the property and the property, if any, in respect of which there is a disposition, the liability for duty and the amount of duty, interest, and penalties claimed to be payable.

Additional penalties.

(8) (*a*) Notwithstanding the provisions of subsection 6 of section 10, wherever the Treasurer as a result of any proceeding taken under this section, finds that any property or disposition of property was not disclosed in accordance with the requirements of section 10, the person acting in the administration of such property and the person liable for the duty shall pay to the Treasurer as a penalty a sum equal to two hundred per centum of the duty chargeable with respect to the property not disclosed and with respect to the disposition of property not disclosed, and they shall each incur and pay an additional penalty for each day during which default in making disclosure continues, of $1 per day for each full

$10,000 in value of the property or disposition of property in respect of which default in disclosure occurred, up to $100 per day.

Interest.

(*b*) In addition to the interest mentioned in subsection 1 of section 14, the amount of duty, interest and penalties due to the Treasurer as a result of any proceeding taken under this section shall, as a penalty, bear interest at the rate of one per centum per month or part of a month until fully paid and satisfied, to be computed from thirty days after the date of mailing the Treasurer's statement.

Notice of appeal.

(9) Any person who objects to the amount of duty, interest or penalties set out in the Treasurer's statement may personally or by his solicitor, within thirty days after the date of mailing such statement, serve a notice of appeal upon the Treasurer in the following form:

THE SUCCESSION DUTY ACT, 1934.

In the matter of the estate of , late of the of in the County of , , deceased.

NOTICE OF APPEAL.

Notice of appeal is hereby given from the statement of the Treasurer of Ontario, bearing date the day of , 19 , given pursuant to subsection 7 of section 22 of *The Succession Duty Act, 1934.*

1. A full statement of the facts is as follows:
(*insert full statement here*)

2. A full statement of the reasons for appeal is as follows:
(*insert full statement here*)

Dated this day of , 19 .

Appellant.

Treasurer's notice of decision.

(10) Upon receipt of the notice of appeal the Treasurer shall confirm or amend the statement appealed against and shall, by registered post, notify the appellant of his decision.

Notice of dissatisfaction.

(11) (*a*) If the appellant is dissatisfied with the Treasurer's decision he may within thirty days from the mailing of such decision, mail to the Treasurer by registered post, a notice of dissatisfaction in the following form:

THE SUCCESSION DUTY ACT, 1934.

In the matter of the estate of , late of the of in the County of , , deceased.

NOTICE OF DISSATISFACTION.

TAKE NOTICE that I am dissatisfied with the decision of the Treasurer given pursuant to subsection 10 of section 22 of *The Succession Duty Act, 1934.*

AND FURTHER TAKE NOTICE that I desire my appeal to be set down for trial.

Dated this day of , 19 .

Appellant.

(*b*) The appellant shall forward therewith a final statement of such further facts, statutory provisions and reasons which he intends to submit to the court in support of the appeal as were not included in the notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court. Final statement.

(12) The appellant shall thereupon give security in $400 for costs in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant may pay into court the sum of $200 in which case the appellant shall, when paying such sum into court state the purpose for which it is paid and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment. Security for costs.

(13) Upon default in compliance with the provisions of subsections 9, 11 or 12,— Duty to be debt.

(*a*) The amount claimed for duty, interest and penalties as determined by the Treasurer under this section shall be payable forthwith to the Treasurer; and

(*b*) the amount of duty, interest and penalties payable by the person liable for the duty shall remain a first lien and charge upon the property in Ontario in respect of which it is payable until paid.

Reply.

(14) Within six months after the receipt of the notice of dissatisfaction and statement of facts the Treasurer may mail or cause to be mailed by registered post addressed to the appellant, a reply thereto admitting or denying the facts alleged and confirming or amending the amount of duty, interest or penalties as previously determined by the Treasurer under this section to be payable.

Proceedings in court.

(15) (*a*) Within ninety days after the mailing of the reply the Treasurer may file copies of the documents set out hereunder, or such of them as shall have been delivered as provided in this section, with the local registrar of the Supreme Court for the county or district in which the deceased resided at the date of death, or, where the deceased died resident outside Ontario, with the registrar of such court and such documents when so filed shall form the record,—

1. Affidavit of value and relationship.
2. Affidavit of debts.
3. Statement of Treasurer.
4. Notice of appeal to Treasurer.
5. Notice of Treasurer's decision.
6. Notice of dissatisfaction.
7. Reply.

Practice and procedure.

(*b*) The proceeding shall thereupon become a cause in the Supreme Court and shall be set down or entered for trial upon notice to all persons against whom the Treasurer seeks to recover duty, interest or penalties, according to the rules of such court and shall thereafter be proceeded with in the same manner as an action in such court and the practice and procedure of the Supreme Court relating to actions in which His Majesty is a party, including the right of appeal, and the practice and procedure relating to appeals shall thereafter apply to every such cause and every judgment and order given or made may be enforced in the same manner and by the like process as a judgment or order given or made in an action in such Court.

1934, c. 55, amended.

8. *The Succession Duty Act, 1934*, is amended by adding thereto the following sections:

Appointment of special investigator.

22*a*.—(1) The Treasurer may appoint any person as a special investigator to make any examination, investigation or inquiry in order to assist the Treasurer in ascertaining what, if any, duty is or may be payable under this Act.

Further powers.

(2) If authorized so to do by the Treasurer a special investigator shall have the same power to summon and enforce the attendance of witnesses and to compel them to give evidence on oath and to produce documents, records and things as is vested in any court in civil cases, save that the special investigator shall not be bound by the provisions of rules of court or of law relating to the service of subpoenaes upon, and to the payment of conduct money or witness fees to witnesses, and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty under this or any other Act, or to civil litigation, and no evidence shall be privileged except under *The Evidence Act* and the *Canada Evidence Act*, and save further that the provisions of *The Evidence Act* shall not exempt any bank, or any officer or employee thereof, from the operation of this section.

Copy of appointment to be served.

(3) A copy of any such appointment may be served upon any person at any time.

Penalty for destroying, concealing or removing, property or evidence.

22*b*. Notwithstanding any other provisions of this Act, any person who, after being served with a copy of the appointment of a commissioner or of a special investigator and who, not having received the written consent of the Treasurer therefor,—

(*a*) destroys, mutilates, defaces or alters, or permits the destruction, mutilation, defacement or alteration of; or

(*b*) conceals or permits to be concealed; or

(*c*) removes or permits to be removed from Ontario;

any property, muniment or evidence of title to or of interest in any property, or property or muniment or evidence of title to or of interest in any property in respect of which there is a disposition, which is or may be dutiable, or any property, muniment or evidence of title belonging to or in the pos-

session of any executor, or any trustee under any trust created by a deceased person or belonging to or in the possession of any person who may be liable for duty, or any books, records, memoranda, documents or papers relating to any of the foregoing, shall be guilty of an offence and liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Penalty for failure to appear or produce.

22*c*. Any person who is summoned by a commissioner or by a special investigator and who, without reasonable excuse, fails to appear or who refuses to give evidence or answer any proper question, or any person who, without lawful excuse, fails or refuses to produce anything when so requested, shall be guilty of an offence and for each offence shall be liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

Direction to hold.

25*k*.—(1) The Treasurer may, in writing, or by telegram, direct any person having on deposit, in custody, under control or for safe keeping,—

(*a*) any property, security, muniment or evidence of title to or of interest in any property which is or may be dutiable; or

(*b*) any property, security, muniment or evidence of title to or of interest in any property of which there is a disposition in respect of which duty is or may be payable; or

(*c*) any safety deposit box or other repository or any property, muniment or evidence of title, in the name of, belonging to, or in the possession of any executor or any trustee under any trust created by a deceased person, or any person who may be liable for duty;

to hold such property, security, muniment or evidence of title or interest, safety deposit box or other repository, until the Treasurer, in writing, revokes such direction; provided that the Treasurer may modify any such direction.

Penalty.

(2) Any person who, without lawful excuse, fails to comply with any such direction shall be guilty of an offence and liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

(3) Any person in receipt of any such direction, if in doubt as to the application of such direction or in case of a claim being made to anything mentioned therein by any person not named therein, may, upon notice in writing thereof to the Treasurer, apply to a judge of the Supreme Court for an order directing the disposition of such fund, security or other property, and such judge may make such order as to costs as may seem just. Application for direction.

25*l*. Every person, when requested by the Treasurer or by any person authorized under this Act, shall produce any thing which may be required for the purposes of this Act, and any person who, without lawful excuse, refuses to produce any thing so requested shall be guilty of an offence and shall for each offence be liable to a penalty not exceeding $50,000, or to imprisonment for a period not exceeding two years, or to both fine and imprisonment. Penalty for refusing to produce.

25*m*. The powers and duties conferred upon the Treasurer by this Act may be delegated by him to the deputy and officials of his Department who may act for him in his place and stead. Powers may be delegated.

9. Subsection 1 of section 25*a* of *The Succession Duty Act, 1934*, as enacted by section 10 of *The Succession Duty Amendment Act, 1935*, and amended by section 15 of *The Succession Duty Amendment Act, 1937*, is further amended by inserting after the word "interest" in the thirteenth line the words "the payment of penalties," by inserting after the word "otherwise" in the fourteenth line the words "and whether or not payment has been made in whole or in part," by striking out the words "in such cases as may to him seem proper" in the fourteenth and fifteenth lines and by inserting before the word "officer" where it occurs in the third and nineteenth lines the word "Treasurer," so that the said subsection shall now read as follows: 1934, c. 55, s. 25*a*, subs. 1 (1935, c. 67, s. 10) amended.

(1) Notwithstanding anything in this Act or in any other Act contained, and notwithstanding that any Treasurer, officer or servant of the Crown, shall have made at any time, any decision, whether of law or fact, or any ruling, valuation or settlement, or shall have given, at any time, any consent, receipt, discharge, certificate or other document in any matter which in any way relates to any estate or property or transmission or disposition, which may be subject to duty, and whether relating to the liability to duty, the valuation for purposes of duty, the rate of duty, the payment of interest, the payment of Treasurer may reopen estates, etc.

penalties, the extension of time for payment of duty, or otherwise, and whether or not payment has been made in whole or in part, the Treasurer may reopen, revoke, revise, alter, recall or change any such decision, ruling, valuation, settlement, consent, receipt, discharge, certificate or other document and may deal with such matter to the same extent as though such Treasurer, officer, or servant had not so made such decision, ruling, valuation or settlement, or so given such consent, receipt, discharge, certificate or other document.

1934, c. 55, s. 25*h* (1937, c. 3, s. 16) amended.

10. Section 25*h* of *The Succession Duty Act, 1934*, as enacted by section 16 of *The Succession Duty Amendment Act, 1937*, is amended by adding at the end thereof the words "and section 18 of *The Judicature Act* and section 5 of *The Fines and Forfeitures Act* shall not apply," so that the said section shall now read as follows:

Penalties,—how recoverable. Rev. Stat., cc. 121, 88, 129.

25*h*. The penalties imposed by this Act may be recovered under *The Summary Convictions Act* and shall be payable to the Treasurer, and section 18 of *The Judicature Act* and section 5 of *The Fines and Forfeitures Act* shall not apply.

1934, c. 55, s. 6, *part* (1937, c. 3, s. 7) effective from 1st July, 1892.

11.—(1) Notwithstanding anything in this Act or in any other Act contained, section 6, except clause *d* thereof, of *The Succession Duty Act, 1934*, as enacted by section 7 of *The Succession Duty Amendment Act, 1937*, shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892; provided however, that the rates of duty which shall apply to the property, transmissions and dispositions mentioned in the said section shall be the rates of duty which were in force at the date of the death of the deceased; provided further that such rates shall be deemed to apply to all such property and to every such transmission and disposition and wherever in any provision affecting such rates and in any provision on which such rates are based the words "aggregate value," "aggregate value of the property," "property," "property passing on the death" or terms of like import occur, they shall be deemed to include the property, transmissions and dispositions mentioned in the said section 6.

1934, c. 55, ss. 6*a*, cl. *g*, 6*b*, 6*c*, 6*d*, 6*e* (1937, c. 3, s. 7) effective from 1st July, 1892.

(2) Notwithstanding anything in this Act or in any other Act contained, clause *g* of section 6*a*, sections 6*b*, 6*c*, 6*d* and 6*e* of *The Succession Duty Act, 1934*, as enacted by section 7 of *The Succession Duty Amendment Act, 1937*, shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892.

12. This Act shall come into force on the day upon which it receives the Royal Assent, and sections 2, 3 and 9 shall have effect as from and shall apply in cases where the deceased died on or after the 1st day of July, 1892. Commencement of Act.

BILL

An Act to amend The Succession Duty Act, 1934.

1st Reading

December 1st, 1937

2nd Reading

December 2nd, 1937

3rd Reading

December 3rd, 1937

Mr. Conant

No 2

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend The Judicature Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 2 1937.

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Judicature Amendment Act, 1937*.

Rev. Stat., c. 88, amended.

2. *The Judicature Act* is amended by adding thereto the following heading and section:

WHERE NO ACTION OR EXTRAORDINARY REMEDY LIES.

Remedy by way of injunction, mandamus, etc., not to lie.

32*a*.—(1) No extraordinary remedy by way of injunction, mandamus or otherwise shall lie against the Crown in right of the Province of Ontario or against any Minister thereof or any officer acting upon the instructions of any Minister for anything done or omitted or proposed to be done or omitted in the exercise of his office including the exercise of any authority conferred or purporting to be conferred upon him by any Act of this Legislature.

(2) No action and no proceeding by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any Minister of the Crown in right of the Province of Ontario, his representative or appointee, whether in any such person's public or private capacity, for anything done or omitted or proposed or purported to be done or omitted in connection with the administration or carrying out of the provisions of any Act of this Legislature.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect as from the 1st day of December, 1937.

Explanatory Note

The purpose of this Bill is to afford those charged with public duties adequate protection in the administration of such duties.

No. 2

BILL

An Act to amend The Judicature Act.

1st Reading

December 1st, 1937

2nd Reading

3rd Reading

MR. CONANT

1937

No 2

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend The Judicature Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 2 1937.

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Judicature Amendment Act, 1937.*

Rev. Stat., c. 88, amended.

2. *The Judicature Act* is amended by adding thereto the following heading and section:

WHERE NO ACTION OR EXTRAORDINARY REMEDY LIES.

Proceedings not to lie.

32*a*. No action and no proceeding by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against the Treasurer of Ontario, his representative or appointee, whether in any such person's public or private capacity, for anything done or omitted or proposed or purported to be done or omitted in connection with the administration or carrying out of the provisions of *The Succession Duty Act, 1934.*

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect as from the 1st day of December, 1937.

Explanatory Note

The purpose of this Bill is to afford those charged with administering *The Succession Duty Act, 1934* adequate protection in the administration of such duties.

No. 2

BILL

An Act to amend The Judicature Act.

1st Reading

December 1st, 1937

2nd Reading

December 2nd, 1937

3rd Reading

MR. CONANT

(*Reprinted as amended in Committee of the Whole House*).

No 2

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend The Judicature Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 2 1937.

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

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Rev. Stat., c. 88, amended.

2. *The Judicature Act* is amended by adding thereto the following heading and section:

WHERE NO ACTION OR EXTRAORDINARY REMEDY LIES.

Proceedings not to lie.

32*a*. No action and no proceeding by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against the Treasurer of Ontario, his representative or appointee, whether in any such person's public or private capacity, for anything done or omitted or proposed or purported to be done or omitted in connection with the administration or carrying out of the provisions of *The Succession Duty Act, 1934.*

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect as from the 1st day of December, 1937.

No. 2

BILL

An Act to amend The Judicature Act.

1st Reading

December 1st, 1937

2nd Reading

December 2nd, 1937

3rd Reading

December 3rd, 1937

MR. CONANT

1937

No. 3

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 3 1937.

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1937, c. 6, preamble amended.

1. The Act entitled *An Act to provide for the Consolidation of the Statutes of Ontario*, being chapter 6 of the Statutes of Ontario, 1937, is amended by striking out the words "and prior to the holding of another session of this Legislature" in the sixth and seventh lines of the preamble.

1937, c. 6, amended.

2. The Act entitled *An Act to provide for the Consolidation of the Statutes of Ontario*, being chapter 6 of the Statutes of Ontario, 1937, is amended by adding thereto the following section:

Amendment of Acts subsequent to first session, 1937.

7*a*.—(1) Where a section of any Act is amended, repealed or re-enacted by an Act passed after the first session of the Legislature in the year 1937 but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, any section appearing in the Revised Statutes of Ontario, 1937, superseding a section so amended, repealed or re-enacted, shall be deemed to be amended, repealed or re-enacted accordingly and such amendment, repeal or re-enactment shall prevail notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

(2) Where an Act is amended by an Act passed after the first session of the Legislature in the year 1937, but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, any Act appearing in the Revised Statutes of Ontario, 1937, superseding an Act so amended shall be deemed to be amended accordingly and such amendment shall prevail notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

Explanatory Note

This Bill is required to ensure that any enactment passed at the present session will be in force notwithstanding the coming into force of the Revised Statutes of Ontario, 1937. This procedure is rendered necessary by reason of the advanced state of the consolidation and revision which is now in progress.

(3) Where in any Act passed after the first session of the Legislature in the year 1937 but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, reference is made to any Act or section of an Act and the Act or section so referred to is superseded by an Act or section of an Act appearing in the Revised Statutes of Ontario, 1937, such reference shall be deemed to be to such superseding Act or section as from the date upon which the Revised Statutes of Ontario come into force and have effect as law notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 3

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

1st Reading

December 1st, 1937

2nd Reading

3rd Reading

Mr. Conant

No. 3

1st Session, 20th Legislature, Ontario
1 George VI, 1937

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 3 1937.

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1937, c. 6, preamble amended.

1. The Act entitled *An Act to provide for the Consolidation of the Statutes of Ontario*, being chapter 6 of the Statutes of Ontario, 1937, is amended by striking out the words "and prior to the holding of another session of this Legislature" in the sixth and seventh lines of the preamble.

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7*a*.—(1) Where a section of any Act is amended, repealed or re-enacted by an Act passed after the first session of the Legislature in the year 1937 but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, any section appearing in the Revised Statutes of Ontario, 1937, superseding a section so amended, repealed or re-enacted, shall be deemed to be amended, repealed or re-enacted accordingly and such amendment, repeal or re-enactment shall prevail notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

(2) Where an Act is amended by an Act passed after the first session of the Legislature in the year 1937, but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, any Act appearing in the Revised Statutes of Ontario, 1937, superseding an Act so amended shall be deemed to be amended accordingly and such amendment shall prevail notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

(3) Where in any Act passed after the first session of the Legislature in the year 1937 but prior to the date upon which the Revised Statutes of Ontario, 1937, come into force and have effect as law, reference is made to any Act or section of an Act and the Act or section so referred to is superseded by an Act or section of an Act appearing in the Revised Statutes of Ontario, 1937, such reference shall be deemed to be to such superseding Act or section as from the date upon which the Revised Statutes of Ontario come into force and have effect as law notwithstanding any other provision of this Act or any provision of the Revised Statutes of Ontario, 1937, or any other Act.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 3

BILL

An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario.

1st Reading

December 1st, 1937

2nd Reading

December 2nd, 1937

3rd Reading

December 3rd, 1937

MR. CONANT

BILLS

2nd SESSION — 20th LEGISLATURE

FEBRUARY 23rd to APRIL 8th

1938

No. 1

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize John Emil Hett to practise Medicine, Surgery and Midwifery.

MR. GLASS

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1 1938

BILL

An Act to authorize John Emil Hett to practise Medicine, Surgery and Midwifery.

Preamble.

WHEREAS John Emil Hett of the City of Kitchener has by petition represented that he graduated in medicine from the University of Toronto on the 2nd day of May, 1891, and has practised his profession in the Province of Ontario since that date; that the College of Physicians and Surgeons of Ontario has ordered that his name be erased from the register of the said college on the ground that he claims to have discovered a specific for cancer and that such claim has not been substantiated; that he has refused to divulge the formula of the serum he claims to have discovered until an adequate test has been made by competent scientific medical authorities; that he has agreed to an adequate test being made as to the merits of the said serum as aforesaid, and has undertaken, after the result of such test is made known, to make full disclosure of the said formula to the Medical Profession of Ontario; that it is expedient to adequately test the merits of the said serum; and the said petitioner has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Authority to practise medicine.

1. The said John Emil Hett shall be entitled to practise medicine, surgery and midwifery in Ontario and to be registered in the Register kept by the College of Physicians and Surgeons of Ontario.

Not to be re-summonsed.

2. The College of Physicians and Surgeons of Ontario shall not re-summon the said John Emil Hett to appear before it to answer any charge which could have been made against him on the 19th day of March, 1937.

BILL

An Act to authorize John Emil Hett to practise Medicine, Surgery and Midwifery.

1st Reading

2nd Reading

3rd Reading

MR. GLASS

(*Private Bill*)

1938

No. 3

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Port Arthur.

MR. COX

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 3 1938

BILL

An Act respecting the City of Port Arthur.

Preamble. WHEREAS the corporation of the city of Port Arthur has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Port Arthur Act, 1938*.

S. A. Cheesman confirmed in office. **2.** Silas Alward Cheesman is hereby declared to have been validly elected to the office of alderman of the corporation for the year 1938, notwithstanding his failure to comply with the provisions of sections 259 and 261 of *The Municipal Act*.

Rev. Stat., c. 266.

Payment of balance of debenture moneys authorized. **3.** The treasurer of the corporation is hereby authorized to release and pay to the board of governors of The General Hospital of Port Arthur the sum of $29,963.65, being the unexpended balance of the proceeds from the sale of debentures of a principal amount of $390,000 authorized by by-laws numbered 10 and 11 of the said hospital guaranteed as to the payment of both principal and interest by the corporation by its by-laws numbered 1921 and 1967.

Special Park Fund Rate. **4.** Notwithstanding anything contained in *The Public Parks Act* the council of the corporation shall, in addition to all other rates and assessments for municipal purposes, levy and assess in each of the years 1938 to 1947 both inclusive a special annual rate sufficient to furnish the amount required in each of such years for parks purposes but not exceeding one and one-half mills in the dollar upon the assessed value of all rateable real and personal property, and such rate shall be called The Park Fund Rate and shall be deemed to be included in the limit of the rate authorized by section 315 of *The Municipal Act*.

Rev. Stat. c. 285.

Rev. Stat., c. 266.

BILL

An Act respecting the City of Port Arthur.

1st Reading

2nd Reading

3rd Reading

Mr. Cox

(*Private Bill*)

1938

No. 3

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Port Arthur.

MR. COX

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 3 1938

BILL

An Act respecting the City of Port Arthur.

Preamble. WHEREAS the corporation of the city of Port Arthur has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Port Arthur Act, 1938.*

S. A. Cheesman confirmed in office. **2.** Silas Alward Cheesman is hereby declared to have been validly elected to the office of alderman of the corporation for the year 1938, notwithstanding his failure to comply with the provisions of sections 259 and 261 of *The Municipal Act.*

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Rev. Stat. c. 285.

Rev. Stat., c. 266.

No. 3

BILL

An Act respecting the City of Port Arthur.

1st Reading

March 15th, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. COX

No. 4

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Canadian Atlas Steels Limited.

MR. ANDERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4 1938

BILL

An Act respecting Canadian Atlas Steels Limited.

Preamble.

WHEREAS Canadian Atlas Steels Limited has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Canadian Atlas Steels Limited Act, 1938.*

Water supply agreement confirmed.

2. The agreement made between The Board of Water Commissioners of the City of Welland and Canadian Atlas Steels Limited, dated the 28th day of January, 1938, a copy of which is set out in Schedule A hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns, the corporation of the city of Welland and the ratepayers thereof.

SCHEDULE A

AGREEMENT

made and entered into this twenty-eighth day of January, A.D. 1938.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND, hereinafter called the "Commission"

OF THE FIRST PART,

—and—

THE CANADIAN ATLAS STEELS LIMITED OF THE CITY OF WELLAND, hereinafter called the "Company"

OF THE SECOND PART.

WHEREAS the Company is the owner and operator of a Steel Plant situate within the Corporate limits of the City of Welland;

AND WHEREAS the Commission operates the water works and water supply system of the Corporation of the City of Welland under the provisions of The Public Utilities Act;

AND WHEREAS the said Company represents that the present water supply is unsatisfactory and too costly under present manufacturing conditions;

AND WHEREAS the Company has requested the Commission to provide a supply of raw water from the Welland Canal for the Company upon the terms hereinafter set forth and the Commission is prepared to grant the request of the said Company for such water supply;

NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the premises and the mutual covenants hereinafter set forth the Parties hereto agree as follows:

1. In this Agreement wherever the word "Commission" is used, it shall mean the Board of Water Commissioners of the City of Welland.

2. Wherever the word "Superintendent" is used, the word "Superintendent" shall mean the Superintendent or Manager for the time being appointed by the Board of Water Commissioners of the City of Welland; and if for any reason, no Superintendent shall be employed, the word "Superintendent" shall include the Chairman of the Board of Water Commissioners for the City of Welland.

3. Upon the execution of this Agreement, the Parties hereto will forthwith complete the preparation of plans and specifications and estimates of the cost of the construction and installation of an electrically driven Pumping Unit in the Pump House of the Commission of a capacity of 600 Imperial gallons per minute, against a total head of 150 feet, and the construction of a Pipe-Line from the said Pump House to the nearest boundary of the Company's property.

4. Upon the completion of the said plans, specifications and estimates, and subject to the validation of this Agreement by the Ontario Legislature, the Commission will proceed to instal and construct the Pumping Unit and Pipe-Line above mentioned according to such plans and specifications hereby made a part of this Agreement.

5. The Company will, upon the terms hereinafter set forth, pay for all engineering services, rentals of machinery and equipment, labour and materials to be used in the construction and operation of the said Pumping Unit and Pipe-Line including (where the Commission deems advisable) Employer's Liability Insurance, Public Liability Insurance and Workmen's Compensation.

6. Payment shall be made by the Company of the total cost of labour and materials according to the said plans and specifications save and except the pipe and valve connections in the Pump House between the existing raw water pipe-line and the proposed raw water pipe-line.

7. The construction work herein provided for shall not include any labour or materials to be used upon the property of the Company and except where herein specifically mentioned, references to the construction and maintenance of the Pumping Unit and Pipe-Line shall be construed as referring only to the said Pumping Unit and Pipe-Line outside the limits of the Company's property.

8. The purchase or rental of machinery, equipment and materials and the employment of engineering services and labour shall be effected by the Commission and paid for by the Company. Any purchase of machinery, equipment or material in excess of One Hundred Dollars ($100) shall be subject to the written approval of the Company.

9. The construction of the entire works shall be under the control and supervision of the Superintendent.

10. The Commission may place and maintain at its own expense a meter in the water system to be installed at such place as may be designated by the Commission.

11. Subject to the validation of this Agreement by the Legislature of the Province of Ontario and to any limiting terms herein contained, this Agreement shall remain in force for a period of twenty (20) years from the date hereof; but in the event that no validating Act is passed, this Agreement shall remain in force for a period of five (5) years from the date hereof provided any of the installation work herein mentioned has commenced at the written request of the Company.

12. Save as to the proposed period of this Agreement all its terms shall be subject to the provisions of The Public Utilities Act and the present By-Laws, Rules and Regulations of the Commission and not inconsistent with this Agreement.

13. All apparatus, machinery, pipe fittings and materials used in the construction of the said Pumping Unit and Pipe-Line shall be in accordance with standard Water Works practice and in accordance with the present By-Laws, Rules and Regulations of the Commission, and Plans and Specifications referred to in Paragraph 4 hereof.

14. The Pumping Unit and Pipe-Line shall be the property of the Commission and shall be maintained and repaired from time to time by the Commission, but the cost of such repairs, replacements and maintenance shall be paid for by the Company; except in the case of an emergency, no contemplated expenditure involving more than Fifty Dollars ($50) shall be undertaken without the written approval of the Company. In case of an emergency, the Company will immediately be notified of any expenditure made.

15. Provided that the accounts have first been rendered to the Commission as a debt due by the Commission and approved and paid by the Commission, the Company shall pay the Commission's legal expenses of and incidental to the negotiations leading up to and of the preparation of this Agreement, including legal expenses and disbursements of and incidental to the proposed validating Act of the Legislature, and should the work under this Agreement for any reason not be proceeded with, the Company will pay for all legal expenses and engineering services incurred by the Commission to the date of such discontinuance.

16. The Company will prepare the private bill to be brought before the Legislature and fulfil all other legal requirements in connection with the said Bill, subject to the approval of the Commission and/or its Solicitor, and subject to Paragraph 15 hereof, the Commission will, if requested, render all assistance in its power to obtain the passing of the Bill.

17. The Company will pay for the installation of the proposed works in three instalments upon the certificate of the Superintendent as follows:

Three Thousand Dollars ($3,000) when the works are certified as half-completed.

Three Thousand Dollars ($3,000) when the works are certified as three-quarters completed.

The balance when the works are certified by the Superintendent as fully completed.

18. Upon the completion, the Company will pay to the Commission monthly the cost of pumping the water upon a basis of actual cost, plus fifteen per cent (15%). For the purpose of this clause COSTS shall consist of:

(*a*) Hydro-Electric Power bills for the operation of the 40-horsepower motor.

(*b*) The Company's proportionate share of any stand-by charge for power when the Pumping Unit is not operating.

(*c*) Water rentals in the ratio of water used by the Company to the total water used by the Commission and Company.

(*d*) Taxes including Provincial, Dominion or Municipal now or hereinafter imposed in the ratio of water used by the Company to the total water used by the Commission and Company.

(*e*) Maintenance cost based on one-half hour per day of Operator's time at current rates of wages.

(*f*) Necessary replacements and repairs including labour in connection therewith.

(*g*) Leases or easements, rentals or charges.

(*h*) Insurance on Pumping Unit and Pipe-Line including Public Liability and Property Damage.

(*i*) And any other items attributable directly to the operation of this installation and amounting to at least $5.00 per month.

18*a*. Should the Company not operate for a period of one month or more, the Company shall continue to pay any costs or charges incurred by reason of the existence of the installation.

19. The Company agrees to pay on the 15th day of each month all bills rendered by the Commission if such bills are rendered not later than the 5th day of each month. Failure to pay bills as rendered for a period of three months would render this Agreement subject to cancellation at the option of the Commission.

20. The Company agrees to pay the cost of all leases, easements of rights-of-way, including the cost of any expropriation proceedings which may be necessary in the construction of the said Pumping Unit and Pipe-Line; PROVIDED the Company has first approved of the same in writing.

21. The Company will pay the premiums on whatever insurance the Commission shall deem necessary to take out for the purpose of protecting the Commission and Corporation of the City of Welland against any liability arising out of the construction and maintenance and existence of the works hereby provided for.

22. The Company agrees not to sell water inside or outside the Company's property, nor use the said water for power purposes, or in the operation of elevators or jet-pumps or to generate power by water motors of any kind.

23. The Company agrees to pay its share of any chemical treatments of the water supplied under the provisions of this Agreement; or in the alternative, the Company may demand that an extension of the suction pipe-line to the screen well be installed at the expense of the Company.

24. The Company agrees not to install any cross connections in its plant between the pure water pipe-line and the raw water lines and shall be solely responsible for damages or claims arising out of the contamination of any water when such contamination takes place upon the Company's property.

25. If, in the opinion of the Commission, at any time the capacity of the Commission's Water Works or any part thereof be inadequate for its purposes, the Commission may upon giving the Company three months' notice in writing remove the Pumping Unit from the Commission's premises at the Company's expense, but in such event, the Commission will permit the Company to use the said Pumping Unit and Pipe-Line for the remainder of the period of this Agreement; and the Commission will allow the Company to use its lands for the said Pumping Unit, subject to the approval of the lessor.

26. Nothing herein contained shall prevent the Commission from supplying other persons or companies with raw water through the said Pumping Unit and Pipe-Line to the extent of the capacity of the line, but the supply of excess water to other persons or Companies shall be subject to the prior rights of user by the Company.

27. In the event of other persons or Companies using the said Pumping Unit and Pipe-Line, the Company shall be entitled to a refund of its proportionate cost of the original installation of the said Pumping Unit and Pipe-Line and shall also be entitled to a proportionate reduction in the monthly cost charge hereinbefore mentioned.

28. Should the Company not require for its purposes the full capacity of the Pumping Unit and Pipe-Line, the Commission shall be entitled to the use of the excess water in the Filtration Plant.

29. The cost of water to any other person or Company pumped through the said Pumping Unit and Pipe-Line shall be in the discretion of the Commission, but shall not be sold at a cheaper price than sold to the Company.

30. The Commission will maintain the said Pumping Unit and Pipe-Line at the expense of the Company during the period of this Agreement, but in the event of temporary failure of the supply of raw water, city water will be supplied through the raw water pipe-line and shall be paid for at the factory rates prevailing at the time for filtered water, but nothing herein contained shall entitle the Company to any priority in the use of such water, nor shall the City supply for domestic, industrial or fire purposes be jeopardized.

31. The Commission does not guarantee the supply or to continue the supply of water to the Company, and should it become necessary at any time by reason of any breakdown in the Commission's Water Works or in the connections or by reason of any defect therein or for the purpose of repairing or altering or enlarging the said water works or the said mains to cut off or discontinue the said supply, the Commission may do so and shall not be responsible for damages or otherwise to the Company.

32. The Commission does not undertake that the water supplied the Company shall be free from contamination or harmful substances or that the same shall be delivered at the Company's property under any guaranteed pressure, but the Commission will co-operate with the Company to the fullest extent in maintaining a pressure and supply of water sufficient for the purposes of the Company.

33. It is further provided and it is a condition of this Agreement that the said Commission shall be excused from supplying water in pursuance

of the terms of this Agreement if the performance thereof be prevented or interfered with by any act or event beyond the power or control of the Commission.

34. It is agreed by and between the parties hereto that should any dispute arise under the provisions of this Agreement either party thereto may, on giving 10 days' notice in writing to the other party, refer such matter in dispute to the award and determination of The Ontario Municipal Board as arbitrators, which Board shall have all the powers given by The Arbitration Act (Ontario) to arbitrators. The provisions of the said Arbitration Act shall govern all such references and either party shall have the right to appeal from the award of said Board.

35. Construction of the works herein provided for shall commence upon the execution of this Agreement (with identification of plans and specifications) at a date to be specified by the Company and shall be finished on or about the first day of May, 1938, but no claim for damages shall be available to the Company by reason of any delay in the completion of the said works.

36. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

In Witness Whereof the parties hereto have hereunto set their Corporate Seals under the hands of their proper officers duly authorized thereunto.

The Board of Water Commissioners
of the City of Welland.

Per T. G. Harrison,
Chairman.
P. M. Case,
Secretary.

The Canadian Atlas Steels Limited.

Per D. W. Lathrop,
Vice-President.
A. R. Hubbard,
Secretary.

BILL

An Act respecting Canadian Atlas Steels Limited.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

Mr. Anderson

(*Private Bill*)

No. 4

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Canadian Atlas Steels Limited.

MR. ANDERSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4 1938

BILL

An Act respecting Canadian Atlas Steels Limited.

Preamble.

WHEREAS Canadian Atlas Steels Limited has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Canadian Atlas Steels Limited Act, 1938*.

Water supply agreement confirmed.

2. The agreement made between The Board of Water Commissioners of the City of Welland and Canadian Atlas Steels Limited, dated the 28th day of January, 1938, a copy of which is set out in Schedule A hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns, the corporation of the city of Welland and the ratepayers thereof.

SCHEDULE A

AGREEMENT

made and entered into this twenty-eighth day of January, A.D. 1938.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND, hereinafter called the "Commission"

OF THE FIRST PART,

—and—

THE CANADIAN ATLAS STEELS LIMITED OF THE CITY OF WELLAND, hereinafter called the "Company"

OF THE SECOND PART.

WHEREAS the Company is the owner and operator of a Steel Plant situate within the Corporate limits of the City of Welland;

AND WHEREAS the Commission operates the water works and water supply system of the Corporation of the City of Welland under the provisions of The Public Utilities Act;

AND WHEREAS the said Company represents that the present water supply is unsatisfactory and too costly under present manufacturing conditions;

AND WHEREAS the Company has requested the Commission to provide a supply of raw water from the Welland Canal for the Company upon the terms hereinafter set forth and the Commission is prepared to grant the request of the said Company for such water supply;

NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the premises and the mutual covenants hereinafter set forth the Parties hereto agree as follows:

1. In this Agreement wherever the word "Commission" is used, it shall mean the Board of Water Commissioners of the City of Welland.

2. Wherever the word "Superintendent" is used, the word "Superintendent" shall mean the Superintendent or Manager for the time being appointed by the Board of Water Commissioners of the City of Welland; and if for any reason, no Superintendent shall be employed, the word "Superintendent" shall include the Chairman of the Board of Water Commissioners for the City of Welland.

3. Upon the execution of this Agreement, the Parties hereto will forthwith complete the preparation of plans and specifications and estimates of the cost of the construction and installation of an electrically driven Pumping Unit in the Pump House of the Commission of a capacity of 600 Imperial gallons per minute, against a total head of 150 feet, and the construction of a Pipe-Line from the said Pump House to the nearest boundary of the Company's property.

4. Upon the completion of the said plans, specifications and estimates, and subject to the validation of this Agreement by the Ontario Legislature, the Commission will proceed to instal and construct the Pumping Unit and Pipe-Line above mentioned according to such plans and specifications hereby made a part of this Agreement.

5. The Company will, upon the terms hereinafter set forth, pay for all engineering services, rentals of machinery and equipment, labour and materials to be used in the construction and operation of the said Pumping Unit and Pipe-Line including (where the Commission deems advisable) Employer's Liability Insurance, Public Liability Insurance and Workmen's Compensation.

6. Payment shall be made by the Company of the total cost of labour and materials according to the said plans and specifications save and except the pipe and valve connections in the Pump House between the existing raw water pipe-line and the proposed raw water pipe-line.

7. The construction work herein provided for shall not include any labour or materials to be used upon the property of the Company and except where herein specifically mentioned, references to the construction and maintenance of the Pumping Unit and Pipe-Line shall be construed as referring only to the said Pumping Unit and Pipe-Line outside the limits of the Company's property.

8. The purchase or rental of machinery, equipment and materials and the employment of engineering services and labour shall be effected by the Commission and paid for by the Company. Any purchase of machinery, equipment or material in excess of One Hundred Dollars ($100) shall be subject to the written approval of the Company.

9. The construction of the entire works shall be under the control and supervision of the Superintendent.

10. The Commission may place and maintain at its own expense a meter in the water system to be installed at such place as may be designated by the Commission.

11. Subject to the validation of this Agreement by the Legislature of the Province of Ontario and to any limiting terms herein contained, this Agreement shall remain in force for a period of twenty (20) years from the date hereof; but in the event that no validating Act is passed, this Agreement shall remain in force for a period of five (5) years from the date hereof provided any of the installation work herein mentioned has commenced at the written request of the Company.

12. Save as to the proposed period of this Agreement all its terms shall be subject to the provisions of The Public Utilities Act and the present By-Laws, Rules and Regulations of the Commission and not inconsistent with this Agreement.

13. All apparatus, machinery, pipe fittings and materials used in the construction of the said Pumping Unit and Pipe-Line shall be in accordance with standard Water Works practice and in accordance with the present By-Laws, Rules and Regulations of the Commission, and Plans and Specifications referred to in Paragraph 4 hereof.

14. The Pumping Unit and Pipe-Line shall be the property of the Commission and shall be maintained and repaired from time to time by the Commission, but the cost of such repairs, replacements and maintenance shall be paid for by the Company; except in the case of an emergency, no contemplated expenditure involving more than Fifty Dollars ($50) shall be undertaken without the written approval of the Company. In case of an emergency, the Company will immediately be notified of any expenditure made.

15. Provided that the accounts have first been rendered to the Commission as a debt due by the Commission and approved and paid by the Commission, the Company shall pay the Commission's legal expenses of and incidental to the negotiations leading up to and of the preparation of this Agreement, including legal expenses and disbursements of and incidental to the proposed validating Act of the Legislature, and should the work under this Agreement for any reason not be proceeded with, the Company will pay for all legal expenses and engineering services incurred by the Commission to the date of such discontinuance.

16. The Company will prepare the private bill to be brought before the Legislature and fulfil all other legal requirements in connection with the said Bill, subject to the approval of the Commission and/or its Solicitor, and subject to Paragraph 15 hereof, the Commission will, if requested, render all assistance in its power to obtain the passing of the Bill.

17. The Company will pay for the installation of the proposed works in three instalments upon the certificate of the Superintendent as follows:

Three Thousand Dollars ($3,000) when the works are certified as half-completed.

Three Thousand Dollars ($3,000) when the works are certified as three-quarters completed.

The balance when the works are certified by the Superintendent as fully completed.

18. Upon the completion, the Company will pay to the Commission monthly the cost of pumping the water upon a basis of actual cost, plus fifteen per cent (15%). For the purpose of this clause COSTS shall consist of:

(*a*) Hydro-Electric Power bills for the operation of the 40-horsepower motor.

(*b*) The Company's proportionate share of any stand-by charge for power when the Pumping Unit is not operating.

(*c*) Water rentals in the ratio of water used by the Company to the total water used by the Commission and Company.

(*d*) Taxes including Provincial, Dominion or Municipal now or hereinafter imposed in the ratio of water used by the Company to the total water used by the Commission and Company.

(*e*) Maintenance cost based on one-half hour per day of Operator's time at current rates of wages.

(*f*) Necessary replacements and repairs including labour in connection therewith.

(*g*) Leases or easements, rentals or charges.

(*h*) Insurance on Pumping Unit and Pipe-Line including Public Liability and Property Damage.

(*i*) And any other items attributable directly to the operation of this installation and amounting to at least $5.00 per month.

18*a*. Should the Company not operate for a period of one month or more, the Company shall continue to pay any costs or charges incurred by reason of the existence of the installation.

19. The Company agrees to pay on the 15th day of each month all bills rendered by the Commission if such bills are rendered not later than the 5th day of each month. Failure to pay bills as rendered for a period of three months would render this Agreement subject to cancellation at the option of the Commission.

20. The Company agrees to pay the cost of all leases, easements of rights-of-way, including the cost of any expropriation proceedings which may be necessary in the construction of the said Pumping Unit and Pipe-Line; PROVIDED the Company has first approved of the same in writing.

21. The Company will pay the premiums on whatever insurance the Commission shall deem necessary to take out for the purpose of protecting the Commission and Corporation of the City of Welland against any liability arising out of the construction and maintenance and existence of the works hereby provided for.

22. The Company agrees not to sell water inside or outside the Company's property, nor use the said water for power purposes, or in the operation of elevators or jet-pumps or to generate power by water motors of any kind.

23. The Company agrees to pay its share of any chemical treatments of the water supplied under the provisions of this Agreement; or in the alternative, the Company may demand that an extension of the suction pipe-line to the screen well be installed at the expense of the Company.

24. The Company agrees not to install any cross connections in its plant between the pure water pipe-line and the raw water lines and shall be solely responsible for damages or claims arising out of the contamination of any water when such contamination takes place upon the Company's property.

25. If, in the opinion of the Commission, at any time the capacity of the Commission's Water Works or any part thereof be inadequate for its purposes, the Commission may upon giving the Company three months' notice in writing remove the Pumping Unit from the Commission's premises at the Company's expense, but in such event, the Commission will permit the Company to use the said Pumping Unit and Pipe-Line for the remainder of the period of this Agreement; and the Commission will allow the Company to use its lands for the said Pumping Unit, subject to the approval of the lessor.

26. Nothing herein contained shall prevent the Commission from supplying other persons or companies with raw water through the said Pumping Unit and Pipe-Line to the extent of the capacity of the line, but the supply of excess water to other persons or Companies shall be subject to the prior rights of user by the Company.

27. In the event of other persons or Companies using the said Pumping Unit and Pipe-Line, the Company shall be entitled to a refund of its proportionate cost of the original installation of the said Pumping Unit and Pipe-Line and shall also be entitled to a proportionate reduction in the monthly cost charge hereinbefore mentioned.

28. Should the Company not require for its purposes the full capacity of the Pumping Unit and Pipe-Line, the Commission shall be entitled to the use of the excess water in the Filtration Plant.

29. The cost of water to any other person or Company pumped through the said Pumping Unit and Pipe-Line shall be in the discretion of the Commission, but shall not be sold at a cheaper price than sold to the Company.

30. The Commission will maintain the said Pumping Unit and Pipe-Line at the expense of the Company during the period of this Agreement, but in the event of temporary failure of the supply of raw water, city water will be supplied through the raw water pipe-line and shall be paid for at the factory rates prevailing at the time for filtered water, but nothing herein contained shall entitle the Company to any priority in the use of such water, nor shall the City supply for domestic, industrial or fire purposes be jeopardized.

31. The Commission does not guarantee the supply or to continue the supply of water to the Company, and should it become necessary at any time by reason of any breakdown in the Commission's Water Works or in the connections or by reason of any defect therein or for the purpose of repairing or altering or enlarging the said water works or the said mains to cut off or discontinue the said supply, the Commission may do so and shall not be responsible for damages or otherwise to the Company.

32. The Commission does not undertake that the water supplied the Company shall be free from contamination or harmful substances or that the same shall be delivered at the Company's property under any guaranteed pressure, but the Commission will co-operate with the Company to the fullest extent in maintaining a pressure and supply of water sufficient for the purposes of the Company.

33. It is further provided and it is a condition of this Agreement that the said Commission shall be excused from supplying water in pursuance

of the terms of this Agreement if the performance thereof be prevented or interfered with by any act or event beyond the power or control of the Commission.

34. It is agreed by and between the parties hereto that should any dispute arise under the provisions of this Agreement either party thereto may, on giving 10 days' notice in writing to the other party, refer such matter in dispute to the award and determination of The Ontario Municipal Board as arbitrators, which Board shall have all the powers given by The Arbitration Act (Ontario) to arbitrators. The provisions of the said Arbitration Act shall govern all such references and either party shall have the right to appeal from the award of said Board.

35. Construction of the works herein provided for shall commence upon the execution of this Agreement (with identification of plans and specifications) at a date to be specified by the Company and shall be finished on or about the first day of May, 1938, but no claim for damages shall be available to the Company by reason of any delay in the completion of the said works.

36. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

In Witness Whereof the parties hereto have hereunto set their Corporate Seals under the hands of their proper officers duly authorized thereunto.

The Board of Water Commissioners
of the City of Welland.

Per T. G. Harrison,
Chairman.
P. M. Case,
Secretary.

The Canadian Atlas Steels Limited.

Per D. W. Lathrop,
Vice-President.
A. R. Hubbard,
Secretary.

BILL

An Act respecting Canadian Atlas Steels Limited.

1st Reading

March 15th, 1938

2nd Reading

March 23rd, 1938

3rd Reading

March 28th, 1938

MR. ANDERSON

1938

No. 5

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

MR. MACKAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5 1938

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

Preamble.

WHEREAS the Sisters of St. Joseph of the diocese of Hamilton, a corporation, has by its petition represented that doubts have arisen as to the power of the corporation under the incorporating and other Acts relating thereto to borrow money on the credit of the corporation, and otherwise in respect to matters relating to its financial affairs and generally to its undertakings and objects, the corporation has prayed that an Act may be passed to remove such doubts and enlarge its powers with respect to the holding of real estate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sisters of St. Joseph (Hamilton) Act, 1938*.

Building powers confirmed.

2. The rights and powers of the corporation to erect, construct, equip, maintain and operate buildings and other erections for the proper carrying on of its educational, hospital and other charitable works, and to own, lease, keep and operate lands and premises for any purposes connected with any of its operations, and to do all other matters and things which they may deem convenient or necessary for the carrying out of the projects in which the corporation now is or may hereafter be engaged in or occupied with, are hereby confirmed.

Management of affairs.

3. The affairs of the corporation shall be conducted and managed by the Mother Superior for the time being of the corporation, assisted by a council composed of such other members of the corporation as shall be determined upon from time to time in accordance with the rules, orders and regulations of the corporation, and the said members shall be elected in such manner and at such time and shall perform such duties and do such things as may be determined thereby.

Powers of Mother Superior and council.

The Mother Superior shall form one of such council and be the head thereof, and shall be elected by the members of the corporation under its rules and regulations. The Mother Superior and council for the time being shall have power and authority to make and establish such rules, orders and regulations not contrary to this Act, nor to the laws in force in this province, as shall be deemed useful or necessary in the interests of the corporation and in the proper management thereof, and for the admission of members into the corporation and for all other purposes connected with its operations, undertakings and works, and may from time to time alter, repeal and change such rules, orders and regulations or any of them now in force or hereafter to be put in force, and shall and may execute and perform in such manner as may be directed by the said rules, orders and regulations, all and singular every deed or other assurance, matter and thing relating to the corporation and the management thereof, its property and its undertakings and every matter or thing which shall or may appertain thereto.

Corporation may sue and be sued.

4. The corporation by its name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity and in all places whatsoever, in as large and ample a manner as any other body politic or corporate, or as any person or persons able or capable in law may or can sue or be sued, implead and be impleaded, answer and be answered in any manner whatsoever.

Borrowing power.

5. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by its council.

Promissory notes, etc.

6. The corporation may make, draw and endorse promissory notes or bills of exchange.

Issue of bonds, etc.

7. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may by its council decide and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures and the fulfilment of any obligations entered into by it or incurred under any promissory note or bill of exchange, signed, made, drawn or endorsed by it.

Signature of Mother Superior binding.

8. Notwithstanding the provisions of the incorporating and other Acts relating to the corporation, every promissory note, bill of exchange, guarantee, instrument of hypothecation,

charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Mother Superior for the time being on behalf of the corporation, shall without the corporate seal thereof, be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation to be bound for payment of moneys.

9. It is hereby declared that the corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of or on behalf of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of or on behalf of the corporation, notwithstanding that the corporation may not have had power to borrow such moneys or to enter into such guarantees, if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obligation respecting application of moneys borrowed.

10. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Power to acquire property.

11. The corporation may from time to time and at all times acquire and hold as purchaser any interest in lands and tenements situate within the limits of the Roman Catholic Diocese of Hamilton and the same alienate, lease, mortgage and dispose of, and purchase others in their stead, provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation, and the corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof, unless the same are actually required, used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements or interest therein acquired by gift, devise or bequest, are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.*

Rev. Stat., c. 147.

Power to invest.

12. Subject to the limitations imposed by any specific trust as to the same, the corporation may, for the use of the corporation, invest the proceeds of such property as it may have disposed of, in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario.

Construction with prior Acts.

13. This Act shall be read with the Act chaptered 167 of the Revised Statutes of Ontario, 1877, intituled *An Act respecting Benevolent, Provident and other Societies*, the Act passed in the first year of the reign of His late Majesty King Edward VII, chaptered 105, and the Act passed in the 22nd year of the reign of His late Majesty King George V, chaptered 104, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

1st Reading

2nd Reading

3rd Reading

MR. MACKAY

(*Private Bill*)

No. 5

2ND SESSION, 20TH LEGISLATURE, ONTARIO
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An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

Preamble.

WHEREAS the Sisters of St. Joseph of the diocese of Hamilton, a corporation, has by its petition represented that doubts have arisen as to the power of the corporation under the incorporating and other Acts relating thereto to borrow money on the credit of the corporation, and otherwise in respect to matters relating to its financial affairs and generally to its undertakings and objects, the corporation has prayed that an Act may be passed to remove such doubts and enlarge its powers with respect to the holding of real estate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sisters of St. Joseph (Hamilton) Act, 1938*.

Building powers confirmed.

2. The rights and powers of the corporation to erect, construct, equip, maintain and operate buildings and other erections for the proper carrying on of its educational, hospital and other charitable works, and to own, lease, keep and operate lands and premises for any purposes connected with any of its operations, and to do all other matters and things which they may deem convenient or necessary for the carrying out of the projects in which the corporation now is or may hereafter be engaged in or occupied with, are hereby confirmed.

Management of affairs.

3.—(1) The affairs of the corporation shall be conducted and managed by the Mother Superior for the time being of the corporation, assisted by a council composed of such other members of the corporation as shall be determined upon from time to time in accordance with the rules, orders and regulations of the corporation, and the said members shall be elected in such manner and at such time and shall perform such duties and do such things as may be determined thereby.

Powers of Mother Superior and council.

The Mother Superior shall form one of such council and be the head thereof, and shall be elected by the members of the corporation under its rules and regulations. The Mother Superior and council for the time being shall have power and authority to make and establish such rules, orders and regulations not contrary to this Act, nor to the laws in force in this province, as shall be deemed useful or necessary in the interests of the corporation and in the proper management thereof, and for the admission of members into the corporation and for all other purposes connected with its operations, undertakings and works, and may from time to time alter, repeal and change such rules, orders and regulations or any of them now in force or hereafter to be put in force, and shall and may execute and perform in such manner as may be directed by the said rules, orders and regulations, all and singular every deed or other assurance, matter and thing relating to the corporation and the management thereof, its property and its undertakings and every matter or thing which shall or may appertain thereto.

Power of Mother Assistant

(2) In case the Mother Superior for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Assistant for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said corporation and by rules, orders and regulations of the corporation, conferred upon the said Mother Superior.

Corporation may sue and be sued.

4. The corporation by its name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity and in all places whatsoever, in as large and ample a manner as any other body politic or corporate, or as any person or persons able or capable in law may or can sue or be sued, implead and be impleaded, answer and be answered in any manner whatsoever.

Borrowing power.

5. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by its council.

Promissory notes, etc.

6. The corporation may make, draw and endorse promissory notes or bills of exchange.

Issue of bonds, etc.

7. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation

may by its council decide and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures and the fulfilment of any obligations entered into by it or incurred under any promissory note or bill of exchange, signed, made, drawn or endorsed by it.

Signature of Mother Superior binding.

8. Notwithstanding the provisions of the incorporating and other Acts relating to the corporation, every promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Mother Superior for the time being on behalf of the corporation, shall without the corporate seal thereof, be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation to be bound for payment of moneys.

9. It is hereby declared that the corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of or on behalf of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of or on behalf of the corporation, notwithstanding that the corporation may not have had power to borrow such moneys or to enter into such guarantees, if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obligation respecting application of moneys borrowed.

10. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Power to acquire property.

11. The corporation may from time to time and at all times acquire and hold as purchaser any interest in lands and tenements situate within the limits of the Roman Catholic Diocese of Hamilton and the same alienate, lease, mortgage and dispose of, and purchase others in their stead, provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation, and the corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof, unless the same are actually required, used or occupied for the purposes of the corporation; and to

the extent that any such lands or tenements or interest therein acquired by gift, devise or bequest, are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.*

Rev. Stat., c. 147.

Power to invest.

12. Subject to the limitations imposed by any specific trust as to the same, the corporation may, for the use of the corporation, invest the proceeds of such property as it may have disposed of, in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario.

Construction with prior Acts.

13. This Act shall be read with the Act chaptered 167 of the Revised Statutes of Ontario, 1877, intituled *An Act respecting Benevolent, Provident and other Societies*, the Act passed in the first year of the reign of His late Majesty King Edward VII, chaptered 105, and the Act passed in the 22nd year of the reign of His late Majesty King George V, chaptered 104, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

No. 5

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. MACKAY

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 5

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

MR. MACKAY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5 1938

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

Preamble.

WHEREAS the Sisters of St. Joseph of the diocese of Hamilton, a corporation, has by its petition represented that doubts have arisen as to the power of the corporation under the incorporating and other Acts relating thereto to borrow money on the credit of the corporation, and otherwise in respect to matters relating to its financial affairs and generally to its undertakings and objects, the corporation has prayed that an Act may be passed to remove such doubts and enlarge its powers with respect to the holding of real estate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sisters of St. Joseph (Hamilton) Act, 1938.*

Building powers confirmed.

2. The rights and powers of the corporation to erect, construct, equip, maintain and operate buildings and other erections for the proper carrying on of its educational, hospital and other charitable works, and to own, lease, keep and operate lands and premises for any purposes connected with any of its operations, and to do all other matters and things which they may deem convenient or necessary for the carrying out of the projects in which the corporation now is or may hereafter be engaged in or occupied with, are hereby confirmed.

Management of affairs.

3.—(1) The affairs of the corporation shall be conducted and managed by the Mother Superior for the time being of the corporation, assisted by a council composed of such other members of the corporation as shall be determined upon from time to time in accordance with the rules, orders and regulations of the corporation, and the said members shall be elected in such manner and at such time and shall perform such duties and do such things as may be determined thereby.

Powers of Mother Superior and council.

The Mother Superior shall form one of such council and be the head thereof, and shall be elected by the members of the corporation under its rules and regulations. The Mother Superior and council for the time being shall have power and authority to make and establish such rules, orders and regulations not contrary to this Act, nor to the laws in force in this province, as shall be deemed useful or necessary in the interests of the corporation and in the proper management thereof, and for the admission of members into the corporation and for all other purposes connected with its operations, undertakings and works, and may from time to time alter, repeal and change such rules, orders and regulations or any of them now in force or hereafter to be put in force, and shall and may execute and perform in such manner as may be directed by the said rules, orders and regulations, all and singular every deed or other assurance, matter and thing relating to the corporation and the management thereof, its property and its undertakings and every matter or thing which shall or may appertain thereto.

Power of Mother Assistant

(2) In case the Mother Superior for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Assistant for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said corporation and by rules, orders and regulations of the corporation, conferred upon the said Mother Superior.

Corporation may sue and be sued.

4. The corporation by its name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity and in all places whatsoever, in as large and ample a manner as any other body politic or corporate, or as any person or persons able or capable in law may or can sue or be sued, implead and be impleaded, answer and be answered in any manner whatsoever.

Borrowing power.

5. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by its council.

Promissory notes, etc.

6. The corporation may make, draw and endorse promissory notes or bills of exchange.

Issue of bonds, etc.

7. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation

may by its council decide and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures and the fulfilment of any obligations entered into by it or incurred under any promissory note or bill of exchange, signed, made, drawn or endorsed by it.

Signature of Mother Superior binding.

8. Notwithstanding the provisions of the incorporating and other Acts relating to the corporation, every promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Mother Superior for the time being on behalf of the corporation, shall without the corporate seal thereof, be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation to be bound for payment of moneys.

9. It is hereby declared that the corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of or on behalf of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of or on behalf of the corporation, notwithstanding that the corporation may not have had power to borrow such moneys or to enter into such guarantees, if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obligation respecting application of moneys borrowed.

10. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Power to acquire property.

11. The corporation may from time to time and at all times acquire and hold as purchaser any interest in lands and tenements situate within the limits of the Roman Catholic Diocese of Hamilton and the same alienate, lease, mortgage and dispose of, and purchase others in their stead, provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation, and the corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof, unless the same are actually required, used or occupied for the purposes of the corporation; and to

the extent that any such lands or tenements or interest therein acquired by gift, devise or bequest, are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*. Rev. Stat., c. 147.

12. Subject to the limitations imposed by any specific trust as to the same, the corporation may, for the use of the corporation, invest the proceeds of such property as it may have disposed of, in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario. Power to invest.

13. This Act shall be read with the Act chaptered 167 of the Revised Statutes of Ontario, 1877, intituled *An Act respecting Benevolent, Provident and other Societies*, the Act passed in the first year of the reign of His late Majesty King Edward VII, chaptered 105, and the Act passed in the 22nd year of the reign of His late Majesty King George V, chaptered 104, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern. Construction with prior Acts.

BILL

An Act respecting the Sisters of St. Joseph of the Diocese of Hamilton.

1st Reading

March 8th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 28th, 1938

MR. MACKAY

1938

No. 6

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

MR. MACKAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 6 1938

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

Preamble.

WHEREAS The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario has by its petition represented that doubts have arisen as to the power of the corporation under the incorporating and other Acts relating thereto to borrow money on the credit of the corporation, and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Roman Catholic Episcopal Corporation (Diocese of Hamilton) Act, 1938.*

Borrowing powers.

2. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the corporation.

Power to draw notes, etc.

3. The corporation may make, draw and endorse promissory notes or bills of exchange.

Borrowing powers on mortgage security.

4. The corporation may borrow moneys on mortgage security of the real estate of the corporation for any of the purposes of the corporation.

Execution of instruments.

5.—(1) Notwithstanding anything contained in the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, it shall be lawful for the Bishop of the Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario for the time being, in the name of the corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments acquired or

held, or to be hereafter acquired by the corporation under and by virtue of the said Act or of this Act, with the consent in writing of the chancellor of the Diocese or any vicar-general, and in case there shall happen to be no chancellor or vicar-general, or in case either of them shall be incapacitated by sickness, infirmity or any other cause, or shall be necessarily absent at the time, then of two clergymen to be selected or named by the said bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said bishop and chancellor or any vicar-general, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

Declaration to be sufficient evidence of certain facts.

(2) A declaration on the face of any such instrument that it has been executed by the persons and in the manner provided herein shall be sufficient evidence of the matters therein referred to.

Power to guarantee debts.

6. The corporation may guarantee, with or without security, upon such terms as it may determine any debts of, the performance of any obligations of, and the repayment of any advances made to or for the purposes of any Roman Catholic corporation, organization, association or society, in or partly in the Diocese of Hamilton, or any officers thereof or any pastor of a parish in the Diocese of Hamilton, and notwithstanding that any such corporation, organization, association, society or pastor may not have power to borrow money, any such guarantee shall be valid and binding upon the corporation in the same manner as if such corporation, organization, association, society or pastor had power to borrow money.

Security for loans.

7. The corporation may hypothecate, pledge or charge any or all the personal property of the corporation to secure any money so borrowed or the fulfilment of any guarantee entered into by it or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of bonds, etc.

8. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may decide and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures and obligations.

Signature of bishop binding.

10. Notwithstanding any of the provisions of the incorporating and other Acts relating to the corporation, every promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the bishop for the time being of the said diocese, on behalf of the corporation shall, without the corporate seal of the corporation, be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation to be bound for payment of moneys.

11. It is hereby declared that the corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of the corporation, with or without the corporate seal, notwithstanding that the corporation may not have had power to borrow such moneys or to enter into such guarantees if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obligation respecting application of moneys borrowed.

12. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Acts.

13. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, and the Act passed in the fortieth year of the reign of Her late Majesty Queen Victoria, chaptered 58, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of the said Acts, the provisions of this Act shall govern.

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

1st Reading

2nd Reading

3rd Reading

MR. MACKAY

(*Private Bill*)

1938

No. 6

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

MR. MACKAY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 6 1938

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

Preamble.

WHEREAS The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario has by its petition represented that doubts have arisen as to the power of the corporation under the incorporating and other Acts relating thereto to borrow money on the credit of the corporation, and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Roman Catholic Episcopal Corporation (Diocese of Hamilton) Act, 1938.*

Borrowing powers.

2. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the corporation.

Power to draw notes, etc.

3. The corporation may make, draw and endorse promissory notes or bills of exchange.

Borrowing powers on mortgage security.

4. The corporation may borrow moneys on mortgage security of the real estate of the corporation for any of the purposes of the corporation.

Execution of instruments.

5.—(1) Notwithstanding anything contained in the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, it shall be lawful for the Bishop of the Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario for the time being, in the name of the corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments acquired or

held, or to be hereafter acquired by the corporation under and by virtue of the said Act or of this Act, with the consent in writing of the chancellor of the Diocese or any vicar-general, and in case there shall happen to be no chancellor or vicar-general, or in case either of them shall be incapacitated by sickness, infirmity or any other cause, or shall be necessarily absent at the time, then of two clergymen to be selected or named by the said bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said bishop and chancellor or any vicar-general, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

Declaration to be sufficient evidence of certain facts.

(2) A declaration on the face of any such instrument that it has been executed by the persons and in the manner provided herein shall be sufficient evidence of the matters therein referred to.

Power to guarantee debts.

6. The corporation may guarantee, with or without security, upon such terms as it may determine any debts of, the performance of any obligations of, and the repayment of any advances made to or for the purposes of any Roman Catholic corporation, organization, association or society, in or partly in the Diocese of Hamilton, or any officers thereof or any pastor of a parish in the Diocese of Hamilton, and notwithstanding that any such corporation, organization, association, society or pastor may not have power to borrow money, any such guarantee shall be valid and binding upon the corporation in the same manner as if such corporation, organization, association, society or pastor had power to borrow money.

Security for loans.

7. The corporation may hypothecate, pledge or charge any or all the personal property of the corporation to secure any money so borrowed or the fulfilment of any guarantee entered into by it or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of bonds, etc.

8. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may decide and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures and obligations.

Signature of bishop binding.

9. Notwithstanding any of the provisions of the incorporating and other Acts relating to the corporation, every promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the bishop for the time being of the said diocese, on behalf of the corporation shall, without the corporate seal of the corporation, be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation to be bound for payment of moneys.

10. It is hereby declared that the corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of the corporation, with or without the corporate seal, notwithstanding that the corporation may not have had power to borrow such moneys or to enter into such guarantees if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obligation respecting application of moneys borrowed.

11. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Acts.

12. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, and the Act passed in the fortieth year of the reign of Her late Majesty Queen Victoria, chaptered 58, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of the said Acts, the provisions of this Act shall govern.

No. 6

BILL

An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

1st Reading

March 4th, 1938

2nd Reading

March 16th, 1938

3rd Reading

March 22nd, 1938

MR. MACKAY

1938

No. 7

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Toronto.

MR. STRACHAN.

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7 1938

BILL

An Act respecting the City of Toronto.

Preamble. WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Toronto Act, 1938.*

1937, c. 105, s. 5, subs. 1, amended. **2.**—(1) Subsection 1 of section 5 of *The City of Toronto Act, 1937*, is amended by striking out the symbol and figures "$500,000" in the ninth line and inserting in lieu thereof the symbol and figures "$1,000,000."

1937, c. 105, s. 5, subs. 4, amended. (2) Subsection 4 of the said section 5 is amended by striking out the words "notwithstanding any irregularity in the form of any such debentures or in any by-law authorizing the issue thereof" at the end thereof, and substituting therefor the words "notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof, or affecting the same," so that the said subsection shall now read as follows:

Validity of debentures. (4) All debentures issued under the authority of this Act shall be legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof or affecting the same.

Retroactive effect. (3) This section shall have effect from the 25th day of March, 1937.

Street widenings. **3.**—(1) The council of the corporation of the city of Toronto may undertake, as a local improvement under the provisions of *The Local Improvement Act*, the widening of a pavement on a street, in the same manner as if such widening were a work authorized to be constructed as a local improvement by section 8 of the said Act.

Rev. Stat., c. 269.

(2) Where the council of the corporation undertakes as a local improvement work the construction, reconstruction, resurfacing or widening of a pavement on a street,—

Rev. Stat., c. 269.

(*a*) there may be included in the cost of the work, in addition to the items of cost set forth in *The Local Improvement Act*, the expense of removing any tree and of removing, reconstructing, replacing or re-erecting any curbing, sidewalk, pole or structure, as may be necessary for or in connection with the work, subject however to the provisions of *The Public Service Works on Highways Act.*

Rev. Stat., c. 57.

(*b*) if the pavement, as constructed, reconstructed, resurfaced or widened, is of greater width than twenty-eight feet, exclusive of the width of any street railway track allowance, there shall be included in the corporation's portion of the cost of the work the cost of the excess width of pavement over twenty-eight feet, the cost of any tree removals and any charges for which the corporation is liable under the provisions of *The Public Service Works on Highways Act.*

(*c*) if the pavement, as constructed, reconstructed, resurfaced or widened, is not of greater width than twenty-eight feet, exclusive of the width of any street railway track allowance, the entire cost of the work, except as provided in sections 23, 25 and 28 of *The Local Improvement Act* and any charges for which the corporation is liable under the provisions of *The Public Service Works on Highways Act* and the cost of any tree removals, shall be specially assessed upon the lots abutting thereon as provided in *The Local Improvement Act.*

1931, c. 130, s. 8, repealed.

(3) Section 8 of *The City of Toronto Act, 1931*, is repealed, but any work to which the said section applied which has been undertaken but not completed, may notwithstanding the repeal of the said section be completed as if the said section were still in force.

Powers of corporation to guarantee debentures of Toronto Harbour Commissioners declared.

4. It is hereby declared that under the authority of subsection 2 of section 4 of the Act intituled *An Act respecting the City of Toronto* passed in the first year of the reign of His late Majesty King George V, and chaptered 119, as amended by section 59 of *The Statute Law Amendment Act, 1913*, the corporation of the city of Toronto has and always has had power to guarantee any debenture which The Toronto Harbour Commissioners might at any time and from time to time after

1911, c. 119.

1913, c. 18.

the passing of the said Acts, be authorized or have power or be declared to have power to issue for any purpose.

By-law 14913 confirmed.

5. By-law numbered 14913, respecting noises, passed by the council of the corporation on the 14th day of March, 1938, as set forth in Schedule A hereto, is hereby validated and confirmed.

SCHEDULE A

BY-LAW NUMBER 14913

Respecting Noises.

[Passed March 14th, 1938.]

The Council of the Corporation of the City of Toronto enacts as follows:

I.

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II.

For the purpose of Section I, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

(1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.

(2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.

(3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.

(4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.

(5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.

(6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.

(8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works, provided the said Commissioners shall be the judges as to whether any noise arising from an excavation or construction work is or is not unnecessary and their decision shall be final.

(9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home, provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

(10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.

(11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.

(12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Board of Commissioners of Police may prescribe.

(13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III.

None of the provisions of this By-law shall apply to:

(1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Board of Commissioners of Police has first been obtained.

(2) Any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.

(3) Any newsboy, peddlar, hawker or petty tradesman plying his calling legitimately and moderately.

(4) Any vehicle or the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.

(5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.

(6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.

(7) Any case of public convenience or necessity.

IV.

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of $50.00 for each offence; and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply except that the imprisonment may be for any term not exceeding six months.

V.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

R. C. DAY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, March 14th, 1938.
(L.S.)

BILL

An Act respecting the City of Toronto.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

1938

No. 7

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Toronto.

MR. STRACHAN.

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7 1938

BILL

An Act respecting the City of Toronto.

Preamble. WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Toronto Act, 1938.*

1937, c. 105, s. 5, subs. 1, amended. **2.**—(1) Subsection 1 of section 5 of *The City of Toronto Act, 1937*, is amended by inserting after the word "time" where it occurs for the second time in the seventh line the words "subject to the approval of the Ontario Municipal Board," and by striking out the symbol and figures "$500,000" in the ninth line and inserting in lieu thereof the symbol and figures "$1,000,000," so that the said subsection, exclusive of clause *a*, shall now read as follows:

Establishment of airport and issue of debentures.

(1) The council of the said corporation may establish, construct, equip, maintain, operate and use an airport and may in respect thereto enter into agreements with any person or with the Government of the Dominion of Canada and of any Province in Canada, or either, and may acquire land either within or without the limits of the municipality for use for or in connection with such airport, and may from time to time, subject to the approval of the Ontario Municipal Board, pass by-laws to authorize the issue of debentures to raise a sum not exceeding $1,000,000 for the establishment, construction and equipment of such airport.

. . . . . .

1937, c. 105, s. 5, subs. 4, amended. (2) Subsection 4 of the said section 5 is amended by striking out the words "notwithstanding any irregularity in the form of any such debentures or in any by-law authorizing the issue

thereof" at the end thereof, and substituting therefor the words "notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof, or affecting the same," so that the said subsection shall now read as follows:

Validity of debentures.

(4) All debentures issued under the authority of this Act shall be legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof or affecting the same.

Retroactive effect.

(3) This section shall have effect from the 25th day of March, 1937.

Street widenings.

3.—(1) The council of the corporation of the city of Toronto may undertake, as a local improvement under the provisions of *The Local Improvement Act*, the widening of a pavement on a street, in the same manner as if such widening were a work authorized to be constructed as a local improvement by section 8 of the said Act.

Rev. Stat., c. 269.

(2) Where the council of the corporation undertakes as a local improvement work the construction, reconstruction, resurfacing or widening of a pavement on a street,—

(*a*) there may be included in the cost of the work, in addition to the items of cost set forth in *The Local Improvement Act*, the expense of removing any tree and of removing, reconstructing, replacing or re-erecting any curbing, sidewalk, pole or structure, as may be necessary for or in connection with the work, subject however to the provisions of *The Public Service Works on Highways Act.*

Rev. Stat., c. 269.

Rev. Stat., c. 57.

(*b*) if the pavement, as constructed, reconstructed, resurfaced or widened, is of greater width than twenty-eight feet, exclusive of the width of any street railway track allowance, there shall be included in the corporation's portion of the cost of the work the cost of the excess width of pavement over twenty-eight feet, the cost of any tree removals and any charges for which the corporation is liable under the provisions of *The Public Service Works on Highways Act.*

(*c*) if the pavement, as constructed, reconstructed, resurfaced or widened, is not of greater width than twenty-eight feet, exclusive of the width of any street railway track allowance, the entire cost of the work, except as provided in sections 23, 25 and 28 of *The Local Improvement Act* and any charges for which the corporation is liable under the provisions

of *The Public Service Works on Highways Act* and the cost of any tree removals, shall be specially assessed upon the lots abutting thereon as provided in *The Local Improvement Act.*

1931, c. 130, s. 8, repealed.

(3) Section 8 of *The City of Toronto Act, 1931*, is repealed, but any work to which the said section applied which has been undertaken but not completed, may notwithstanding the repeal of the said section be completed as if the said section were still in force.

Powers of corporation to guarantee debentures of Toronto Harbour Commissioners declared.

1911, c. 119.

1913, c. 18.

4. It is hereby declared that under the authority of subsection 2 of section 4 of the Act intituled *An Act respecting the City of Toronto* passed in the first year of the reign of His late Majesty King George V, and chaptered 119, as amended by section 59 of *The Statute Law Amendment Act, 1913*, the corporation of the city of Toronto has and always has had power to guarantee any debenture which The Toronto Harbour Commissioners might at any time and from time to time after the passing of the said Acts, be authorized or have power or be declared to have power to issue for any purpose.

Power to issue debentures re St. Michael's Hospital and Algonquin Island.

5.—(1) The council of the corporation of the city of Toronto may from time to time, subject to the approval of the Ontario Municipal Board, pass a by-law or by-laws to authorize the issue of debentures to raise the sum of $128,580, or any portion thereof, for the following purposes, namely,—

Building grant to St. Michael's Hospital	$ 60,000
Development of Algonquin (formerly Sunfish) Island (including grading, watermains, concrete walks and construction of bridge)	68,580
	$128,580

Assent of electors not requisite.

Rev. Stat., c. 266.

(2) For the purposes of this section it shall not be necessary for the council of the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in this section or to observe in respect thereto the formalities required by *The Municipal Act* in respect to the passing of money by-laws or to obtain any approval under or observe the requirements of the said Act or any other general Act in respect to the exercise by the council of the authority conferred by this section, and all debentures issued under the authority of this section shall be legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof or affecting the same.

1936, c. 84, s. 6, amended.

6. Section 6 of *The City of Toronto Act, 1936*, is amended by adding thereto the following subsection:

Power of inspector to enter premises, etc.

Rev. Stat., c. 299.

(10) For the enforcement of any by-law passed under the authority of this section the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any premises as an inspector under section 80 of *The Public Health Act*, and the provisions of the said section and of sections 117, 118 and 120 of the said Act shall *mutatis mutandis* apply.

BILL

An Act respecting the City of Toronto.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. STRACHAN

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 7

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Toronto.

MR. STRACHAN.

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7 1938

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An Act respecting the City of Toronto.

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Rev. Stat., c. 269.

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(*c*) if the pavement, as constructed, reconstructed, resurfaced or widened, is not of greater width than twenty-eight feet, exclusive of the width of any street railway track allowance, the entire cost of the work, except as provided in sections 23, 25 and 28 of *The Local Improvement Act* and any charges for which the corporation is liable under the provisions

of *The Public Service Works on Highways Act* and the cost of any tree removals, shall be specially assessed upon the lots abutting thereon as provided in *The Local Improvement Act.*

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Powers of corporation to guarantee debentures of Toronto Harbour Commissioners declared.

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Building grant to St. Michael's Hospital.....	$ 60,000
Development of Algonquin (formerly Sunfish) Island (including grading, watermains, concrete walks and construction of bridge).....	68,580
	$128,580

Assent of electors not requisite.

Rev. Stat., c. 266.

(2) For the purposes of this section it shall not be necessary for the council of the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in this section or to observe in respect thereto the formalities required by *The Municipal Act* in respect to the passing of money by-laws or to obtain any approval under or observe the requirements of the said Act or any other general Act in respect to the exercise by the council of the authority conferred by this section, and all debentures issued under the authority of this section shall be legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any invalidity or irregularity therein or in the by-law authorizing the issue thereof or affecting the same.

6. Section 6 of *The City of Toronto Act, 1936*, is amended by adding thereto the following subsection: 1936, c. 84, s. 6, amended.

(10) For the enforcement of any by-law passed under the authority of this section the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any premises as an inspector under section 80 of *The Public Health Act*, and the provisions of the said section and of sections 117, 118 and 120 of the said Act shall *mutatis mutandis* apply. Power of inspector to enter premises, etc. Rev. Stat., c. 299.

BILL

An Act respecting the City of Toronto.

1st Reading

March 15th, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. STRACHAN

1938

No. 8

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Owen Sound.

MR. PATTERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 8 1938

BILL

An Act respecting the City of Owen Sound.

Preamble.

WHEREAS the corporation of the city of Owen Sound, hereinafter called the corporation, has by petition represented that the council of the corporation did on the 1st day of January, 1938, submit the following question to the electors of the municipality qualified to vote on money by-laws:

> Are you in favour of the expenditure by the city of Owen Sound of a sum not to exceed $75,000 for the construction of a civic auditorium and skating arena?

when out of 1,839 electors voting on the question, 1,185 voted in the affirmative and 654 voted in the negative; that as the vote is favourable the corporation desires to erect such a building; and the corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Owen Sound Act, 1938.*

Right to erect Civic Auditorium.

2. Subject to the approval of the Ontario Municipal Board, the council of the corporation may establish, erect, equip, maintain and operate an auditorium and skating arena, which shall be known as the Civic Auditorium, and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the corporation to raise a sum not exceeding $75,000 payable in equal annual instalments within a term not exceeding twenty years from the date of the issue thereof and bearing interest at such rate as the said council may deem advisable.

Under control of Commission.

3.—(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,—

(*a*) the mayor;

(*b*) the city engineer; and

(*c*) four resident ratepayers who are not aldermen, to be appointed by the council of the corporation.

Organization, etc., of the Commission.

(2) The council of the corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said Civic Auditorium.

BILL

An Act respecting the City of Owen Sound.

1st Reading

2nd Reading

3rd Reading

MR. PATTERSON

(*Private Bill*)

1938

No. 8

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Owen Sound.

MR. PATTERSON

TORONTO
PRINTED BY T. E. BOWMAN
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No. 8 1938

BILL

An Act respecting the City of Owen Sound.

Preamble.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Right to erect Civic Auditorium.

2. Subject to the approval of the Ontario Municipal Board, the council of the corporation may establish, erect, equip, maintain and operate an auditorium and skating arena, which shall be known as the Civic Auditorium, and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the corporation to raise a sum not exceeding $75,000 payable in equal annual instalments within a term not exceeding twenty years from the date of the issue thereof and bearing interest at such rate as the said council may deem advisable.

3.—(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,— Under control of Commission.

(*a*) the mayor;

(*b*) the city engineer; and

(*c*) four resident ratepayers who are not aldermen, to be appointed by the council of the corporation.

(2) The council of the corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said Civic Auditorium. Organization, etc., of the Commission.

BILL

An Act respecting the City of Owen Sound.

1st Reading

March 8th, 1938

2nd Reading

March, 21st, 1938

3rd Reading

March 28th, 1938

MR. PATTERSON

No. 9

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of St. Thomas.

MR. CAMPBELL (Kent, East)

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9 1938

BILL

An Act respecting the City of St. Thomas.

Preamble. WHEREAS the corporation of the city of St. Thomas has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The City of St. Thomas Act, 1938.*

Interpretation. **2.** In this Act "dwelling house" shall not include an apartment, tenement house, hotel or building erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons.

Provision for partial exemption from taxation of dwelling houses hereafter constructed. **3.** The council of the corporation of the city of St. Thomas may, without the assent of the electors, pass a by-law or by-laws providing that new dwelling houses hereafter erected in the said city and costing not less than $2,000 shall be exempt from taxation except for local improvements for a period of three years upon the following basis, namely:—

(*a*) During the first year that taxes and rates would ordinarily be levied and imposed on such new dwelling houses, such dwelling houses shall be wholly exempt from taxation;

(*b*) During the second year that taxes and rates would ordinarily be levied and imposed on such new dwelling houses, such dwelling houses shall be exempt from taxation to the extent of two-thirds only of the taxes and rates so levied and imposed;

(*c*) During the third year that taxes and rates would ordinarily be levied and imposed on such new dwelling houses, such dwelling houses shall be exempt from

taxation to the extent of one-third only of the taxes and rates so levied and imposed;

provided that this exemption shall not extend to or be deemed to apply to the land on which such dwelling houses are erected but shall apply only to such dwelling houses.

Establishment of fund for superannuation and death allowances.

4. The council of the corporation may with the approval of the Department of Municipal Affairs pass a by-law to establish and maintain a fund or scheme for the payment of superannuation allowances or allowances upon the death of its employees either by the city itself or by an agreement or agreements with a licensed insurance company or companies or otherwise upon such terms and conditions as such by-law shall provide, which by-law may extend to and include any officer, clerk, workman, servant or other person now, hereafter or heretofore in the employ of the corporation or any local board or commission thereof or may be limited and applicable to such employees or classes of employees as the by-law may specify and the amount of any contributions made to such fund or scheme or any premium or premiums paid to such company or companies by the corporation in each year shall be deemed to be current expenditure of the corporation and any contributions made to such fund or scheme or premiums by any employee who contributes thereto may be deducted from the salary, wages or other remuneration of such employee.

Correction as to city limits.

5. The following lands are hereby detached from the township of Yarmouth and annexed to the city of St. Thomas, and shall form part of the municipality of the city of St. Thomas for all purposes:

That part of the west half of lot number six in the ninth concession of said township of Yarmouth which lies south of the right of way of the Grand Trunk Railway and west of the centre line of First Avenue produced northerly to the said right of way of the said Grand Trunk Railway which is not now part of the said city of St. Thomas.

1921, c. 122, s. 7, subs. 1, amended.

6.—(1) Subsection 1 of section 7 of the Act intituled *An Act respecting the City of St. Thomas*, passed in the 11th year of the reign of His late Majesty King George V and chaptered 122, is amended by striking out the words "at a price not less than the cost thereof" in the eighth and ninth lines so that the said subsection shall now read as follows:—

Power to purchase land for factory sites.

(1) The council of the corporation of the city of St. Thomas, with the assent of the electors entitled to vote on money by-laws, may pass a by-law or by-laws for the purchase of lands within the city or

adjacent thereto, not exceeding in the aggregate 100 acres for the location of factories, and subject to subsections 2 and 3, may also pass by-laws from time to time for selling and disposing of any portions of said lands to manufacturers, and for granting or leasing any portions of such lands for manufacturing purposes, on such terms as to price, erection of buildings, and number of hands to be employed, as may be agreed upon between the said council and such manufacturers, and take such security as the council may deem expedient, for the due performance of any agreement entered into respecting the same.

1921, c. 122, s. 7, subs. 2, re-enacted.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Sale or lease of lands.

(2) No part of said land shall be sold or leased except at a price or rental to be determined by the Judge of the County Court of the County of Elgin on application to him for that purpose as the fair market value or fair rental value as the case may be of the said lands.

1924, c. 148, s. 3, re-enacted.

7. Section 3 of *The St. Thomas Railroad and City Y.M.C.A. Act, 1924*, is repealed and the following substituted therefor:

Exemption from taxation.

3. The land and premises in the said city of St. Thomas occupied by the Association shall be and the same are hereby declared to be exempt from taxation except for local improvement rates so long as the same are used for the purposes of the Association.

1908, c. 146, s. 3 subs. 2 (1932, c. 110, s. 2), amended.

8. Subsection 2 of section 3 of chapter 146 of the Statutes of Ontario 1908, as enacted by section 2 of *The Young Women's Christian Association of St. Thomas Act, 1932*, is amended by striking out the words "and school purposes" in the last line thereof so that the said subsection shall now read as follows:

Exemption from taxation.

(2) The buildings, lands, equipment, and undertaking of the association, so long as the same are occupied by and used for the purposes of the association, shall be and the same are hereby declared to be exempt from taxation, except taxation for local improvements.

Ss. 7 and 8 retroactive.

9. Sections 7 and 8 shall have effect from the 1st day of January, 1938.

BILL

An Act respecting the City of St. Thomas.

1st Reading

March 15th, 1938.

2nd Reading

3rd Reading

MR. CAMPBELL (Kent, East)

(*Private Bill*)

1938

No. 9

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of St. Thomas.

MR. CAMPBELL (Kent, East)

TORONTO
PRINTED BY T. E. BOWMAN
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No. 9 1938

BILL

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(*b*) During the second year that taxes and rates would ordinarily be levied and imposed on such new dwelling houses, such dwelling houses shall be exempt from taxation to the extent of two-thirds only of the taxes and rates so levied and imposed;

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Establishment of fund for superannuation and death allowances.

4. The council of the corporation may with the approval of the Department of Municipal Affairs pass a by-law to establish and maintain a fund or scheme for the payment or superannuation allowances or allowances upon the death of its employees either by the city itself or by an agreement of agreements with a licensed insurance company or companies or otherwise upon such terms and conditions as such by-law shall provide, which by-law may extend to and include any officer, clerk, workman, servant or other person now, hereafter or heretofore in the employ of the corporation or any local board or commission thereof or may be limited and applicable to such employees or classes of employees as the by-law may specify and the amount of any contributions made to such fund or scheme or any premium or premiums paid to such company or companies by the corporation in each year shall be deemed to be current expenditure of the corporation and any contributions made to such fund or scheme or premiums by any employee who contributes thereto may be deducted from the salary, wages or other remuneration of such employee.

Correction as to city limits.

5. The following lands are hereby detached from the township of Yarmouth and annexed to the city of St. Thomas, and shall form part of the municipality of the city of St. Thomas for all purposes:

That part of the west half of lot number six in the ninth concession of said township of Yarmouth which lies south of the right of way of the Grand Trunk Railway and west of the centre line of First Avenue produced northerly to the said right of way of the said Grand Trunk Railway which is not now part of the said city of St. Thomas.

1921, c. 122, s. 7, subs. 1, amended.

6.—(1) Subsection 1 of section 7 of the Act intituled *An Act respecting the City of St. Thomas*, passed in the 11th year of the reign of His late Majesty King George V and chaptered 122, is amended by striking out the words "at a price not less than the cost thereof" in the eighth and ninth lines so that the said subsection shall now read as follows:—

Power to purchase land for factory sites.

(1) The council of the corporation of the city of St. Thomas, with the assent of the electors entitled to vote on money by-laws, may pass a by-law or by-laws for the purchase of lands within the city or

adjacent thereto, not exceeding in the aggregate 100 acres for the location of factories, and subject to subsections 2 and 3, may also pass by-laws from time to time for selling and disposing of any portions of said lands to manufacturers, and for granting or leasing any portions of such lands for manufacturing purposes, on such terms as to price, erection of buildings, and number of hands to be employed, as may be agreed upon between the said council and such manufacturers, and take such security as the council may deem expedient, for the due performance of any agreement entered into respecting the same.

1921, c. 122, s. 7, subs. 2, re-enacted.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Sale or lease of lands.

(2) No part of said land shall be sold or leased except at a price or rental to be determined by the Judge of the County Court of the County of Elgin on application to him for that purpose as the fair market value or fair rental value as the case may be of the said lands.

1924, c. 148, s. 3, re-enacted.

7. Section 3 of *The St. Thomas Railroad and City Y.M.C.A. Act, 1924*, is repealed and the following substituted therefor:

Exemption from taxation.

3. The land and premises in the said city of St. Thomas occupied by the Association shall be and the same are hereby declared to be exempt from taxation except for local improvement rates so long as the same are used for the purposes of the Association.

1908, c. 146, s. 3 subs. 2 (1932, c. 110, s. 2), amended.

8. Subsection 2 of section 3 of chapter 146 of the Statutes of Ontario 1908, as enacted by section 2 of *The Young Women's Christian Association of St. Thomas Act, 1932*, is amended by striking out the words "and school purposes" in the last line thereof so that the said subsection shall now read as follows:

Exemption from taxation.

(2) The buildings, lands, equipment, and undertaking of the association, so long as the same are occupied by and used for the purposes of the association, shall be and the same are hereby declared to be exempt from taxation, except taxation for local improvements.

Ss. 7 and 8 retroactive.

9. Sections 7 and 8 shall have effect from the 1st day of January, 1938.

BILL

An Act respecting the City of St. Thomas.

1st Reading

March 15th, 1938.

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. CAMPBELL (Kent, East)

1938

No. 11

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Town of Cornwall.

MR. BROWNRIDGE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 11 1938

BILL

An Act respecting the Town of Cornwall.

Preamble.

WHEREAS the corporation of the town of Cornwall has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Cornwall Act, 1938*.

County by-law 2585 confirmed.

Rev. Stat., c. 272.

2. Notwithstanding the provisions of *The Assessment Act*, by-law numbered 2585 finally passed by the council of the united counties of Stormont, Dundas and Glengarry on the 30th day of June, 1937, as set forth in Schedule A hereto, fixing the assessment for the town of Cornwall and the total assessment for the said united counties for the years 1938, 1939, 1940, 1941 and 1942, is hereby validated and confirmed.

SCHEDULE A

BY-LAW NUMBER 2585

A By-law of the United Counties of Stormont, Dundas and Glengarry to fix the assessment of the Town of Cornwall for the years 1938, 1939, 1940, 1941 and 1942.

WHEREAS an application is being made by the Corporation of the Town of Cornwall to the Legislative Assembly of the Province of Ontario providing for its separation from the United Counties of Stormont, Dundas and Glengarry;

AND WHEREAS it is desirable that such separation should not take place;

AND WHEREAS a tentative arrangement has been come to under which the assessment of the Town of Cornwall shall be fixed for a period of five years beginning with the year 1938.

THEREFORE, the Municipal Council of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That for the year 1938 the equalized assessment for the Town of Cornwall shall be $9,299,854, the total assessment for all the municipalities in the said United Counties being $39,805,930, as set out in Schedule A to this by-law.

2. That for the purpose of taxation in each of the years 1938, 1939, 1940, 1941 and 1942 notwithstanding any of the provisions of *The Assessment Act* the equalized assessment for the Town of Cornwall shall remain fixed and equalized at the said amount of $9,299,854 and the total equalized assessment shall remain fixed at $39,805,930. Any changes made in the equalized assessment of the other municipalities of the said United Counties shall not affect the equalized assessment of the Town of Cornwall and the total equalized assessment for the said United Counties shall remain at $39,805,930.

This by-law shall come into force and effect when it has been approved by the Legislative Assembly of the Province of Ontario, the expense of the Special Act necessary to validate the said by-law being borne by the Town of Cornwall.

Passed, signed and sealed in open council after three separate readings this 30th day of June, A.D. 1937.

(Sgd.) A. K. MACMILLAN,
Clerk.

(Sgd.) J. R. McLACHLAN,
Warden.

(SEAL)

No. 11

BILL

An Act respecting the Town of Cornwall.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. BROWNRIDGE

(*Private Bill*)

1938

No. 11

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Town of Cornwall.

MR. BROWNRIDGE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 11 1938

BILL

An Act respecting the Town of Cornwall.

Preamble. WHEREAS the corporation of the town of Cornwall has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1**. This Act may be cited as *The Town of Cornwall Act, 1938.*

County by-law 2585 confirmed.

Rev. Stat., c. 272. **2**. Notwithstanding the provisions of *The Assessment Act*, by-law numbered 2585 finally passed by the council of the united counties of Stormont, Dundas and Glengarry on the 30th day of June, 1937, as set forth in Schedule A hereto, fixing the assessment for the town of Cornwall and the total assessment for the said united counties for the years 1938, 1939, 1940, 1941 and 1942, is hereby validated and confirmed.

SCHEDULE A

BY-LAW NUMBER 2585

A By-law of the United Counties of Stormont, Dundas and Glengarry to fix the assessment of the Town of Cornwall for the years 1938, 1939, 1940, 1941 and 1942.

WHEREAS an application is being made by the Corporation of the Town of Cornwall to the Legislative Assembly of the Province of Ontario providing for its separation from the United Counties of Stormont, Dundas and Glengarry;

AND WHEREAS it is desirable that such separation should not take place;

AND WHEREAS a tentative arrangement has been come to under which the assessment of the Town of Cornwall shall be fixed for a period of five years beginning with the year 1938.

THEREFORE, the Municipal Council of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That for the year 1938 the equalized assessment for the Town of Cornwall shall be $9,299,854, the total assessment for all the municipalities in the said United Counties being $39,805,930, as set out in Schedule A to this by-law.

2. That for the purpose of taxation in each of the years 1938, 1939, 1940, 1941 and 1942 notwithstanding any of the provisions of *The Assessment Act* the equalized assessment for the Town of Cornwall shall remain fixed and equalized at the said amount of $9,299,854 and the total equalized assessment shall remain fixed at $39,805,930. Any changes made in the equalized assessment of the other municipalities of the said United Counties shall not affect the equalized assessment of the Town of Cornwall and the total equalized assessment for the said United Counties shall remain at $39,805,930.

This by-law shall come into force and effect when it has been approved by the Legislative Assembly of the Province of Ontario, the expense of the Special Act necessary to validate the said by-law being borne by the Town of Cornwall.

Passed, signed and sealed in open council after three separate readings this 30th day of June, A.D. 1937.

(Sgd.) A. K. MACMILLAN,
Clerk.

(Sgd.) J. R. McLACHLAN,
Warden.

(SEAL)

No. 11

BILL

An Act respecting the Town of Cornwall.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. BROWNRIDGE

1938

No. 12

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 12 1938

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

Preamble.

WHEREAS the Ursuline Religious of the Diocese of London in Ontario, a corporation, has by its petition represented that it is desirable that its powers should be enlarged with respect to the holding of real estate; that doubts have arisen as to its power to issue bonds and debentures and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed enlarging its powers as aforesaid and for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ursuline Religious (London) Act, 1938.*

1916, c. 111, s. 4, amended.

2.—(1) Section 4 of the Act passed in the sixth year of the reign of His late Majesty King George the Fifth, Chaptered 111, is amended by adding thereto the following subsection:

Power of Mother Vicar.

(4) In case the Superior General for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Vicar for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said corporation and by rules, orders and regulations of the corporation, conferred upon the said Superior General.

1916, c. 111, s. 6, repealed.

(2) Section 6 of the said Act is repealed.

Power to acquire real property by purchase, etc.

3. The corporation may from time to time and at all times, purchase, acquire, or otherwise take, receive, hold, possess, and enjoy any lands and tenements or interest therein, and the same alienate, sell, convey, lease, mortgage and dispose of, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.*

Rev. Stat., c. 147.

Confirmation of titles.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act, and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Lending powers.

5. The corporation may lend money to, guarantee the contracts of, or otherwise assist any corporation, organization, association, society, institution or foundation, in union or affiliation with the corporation and engaged in works and undertakings similar to those of the corporation.

Issue of bonds, debentures, etc.

6. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may deem expedient and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may deem expedient, and may hypothecate, mortgage, charge or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures, obligations, and any money borrowed for the purposes of the corporation.

No obligation respecting application of moneys borrowed.

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation, shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Act.

8. This Act shall be read with the said Act passed in the sixth year of the reign of His late Majesty King George the Fifth, chaptered 111, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Act.

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

1938

No. 12

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

Mr. Duncan

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 12 1938

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

Preamble.

WHEREAS the Ursuline Religious of the Diocese of London in Ontario, a corporation, has by its petition represented that it is desirable that its powers should be enlarged with respect to the holding of real estate; that doubts have arisen as to its power to issue bonds and debentures and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed enlarging its powers as aforesaid and for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ursuline Religious (London) Act, 1938*.

1916, c. 111, s. 4, amended.

2.—(1) Section 4 of the Act passed in the sixth year of the reign of His late Majesty King George the Fifth, Chaptered 111, is amended by adding thereto the following subsection:

Power of Mother Vicar.

(4) In case the Superior General for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Vicar for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said corporation and by rules, orders and regulations of the corporation, conferred upon the said Superior General.

1916, c. 111, s. 6, repealed.

(2) Section 6 of the said Act is repealed.

Power to acquire real property by purchase, etc.

3. The corporation may from time to time and at all times, purchase, acquire, or otherwise take, receive, hold, possess, and enjoy any lands and tenements or interest therein, and the same alienate, sell, convey, lease, mortgage and dispose of, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.* Rev. Stat., c. 147.

Confirmation of titles.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act, and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Lending powers.

5. The corporation may lend money to, guarantee the contracts of, or otherwise assist any corporation, organization, association, society, institution or foundation, in union or affiliation with the corporation and engaged in works and undertakings similar to those of the corporation.

Issue of bonds, debentures, etc.

6. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may deem expedient and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may deem expedient, and may hypothecate, mortgage, charge or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures, obligations, and any money borrowed for the purposes of the corporation.

No obligation respecting application of moneys borrowed.

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation, shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Act.

8. This Act shall be read with the said Act passed in the sixth year of the reign of His late Majesty King George the Fifth, chaptered 111, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Act.

BILL

An Act respecting the Ursuline Religious of the Diocese of London.

1st Reading

March 4th, 1938

2nd Reading

March 16th, 1938

3rd Reading

March 22nd, 1938

MR. DUNCAN

1938

No. 13

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

Mr. Duncan

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 13 1938

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

Preamble. WHEREAS The Sisters of St. Joseph of the Diocese of London in Ontario, a corporation, has by its petition represented that it is desirable that its powers should be enlarged with respect to the holding of real estate; that doubts have arisen as to its power to issue bonds and debentures and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed enlarging its powers as aforesaid and for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Sisters of St. Joseph (London) Act, 1938.*

1915, c. 95, s. 4, amended. **2.**—(1) Section 4 of the Act passed in the fifth year of the reign of His late Majesty King George the Fifth, chaptered 95, is amended by adding thereto the following subsection:

Power of Mother Assistant. (2) In case the Mother Superior for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Assistant for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said coporation and by rules, orders and regulations of the corporation, conferred upon the said Mother Superior.

1915, c. 95, s. 6, repealed. (2) Section 6 of the said Act is repealed.

Power to acquire real property by purchase, etc. **3.** The corporation may from time to time and at all times, purchase, acquire, or otherwise take, receive, hold,

possess, and enjoy any lands and tenements or interest therein, and the same alienate, sell, convey, lease, mortgage and dispose of, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.*

Rev. Stat., c. 147.

Confirmation of titles.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act; and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Lending powers.

5. The corporation may lend money to, guarantee the contracts of, or otherwise assist any corporation, organization, association, society, institution or foundation, in union or affiliation with the corporation and engaged in works and undertakings similar to those of the corporation.

Issue of bonds, debentures, etc.

6. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may deem expedient and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may deem expedient, and may hypothecate, mortgage, charge or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures, obligations, and any money borrowed for the purposes of the corporation.

No obligation respecting application of moneys borrowed.

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Acts.

8. This Act shall be read with the Act passed in the thirty-fourth year of the reign of Her late Majesty Queen Victoria, chaptered 92, and the Act passed in the fifth year of the reign of His late Majesty King George the Fifth, chaptered 95, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of the said Acts, the provisions of this Act shall govern.

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

1938

No. 13

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

MR. DUNCAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 13 1938

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

Preamble.

WHEREAS The Sisters of St. Joseph of the Diocese of London in Ontario, a corporation, has by its petition represented that it is desirable that its powers should be enlarged with respect to the holding of real estate; that doubts have arisen as to its power to issue bonds and debentures and otherwise in respect of matters relating to its financial affairs, and the corporation has prayed that an Act may be passed enlarging its powers as aforesaid and for the purpose of removing said doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sisters of St. Joseph (London) Act, 1938.*

1915, c. 95, s. 4, amended.

2.—(1) Section 4 of the Act passed in the fifth year of the reign of His late Majesty King George the Fifth, chaptered 95, is amended by adding thereto the following subsection:

Power of Mother Assistant.

(2) In case the Mother Superior for the time being shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform, or be otherwise prevented from performing her duties, or in case of her absence or vacancy of the office, the Mother Assistant for the time being of the corporation, shall during such sickness, infirmity, incapacity, prevention, absence or vacancy of the office, have the same powers as are by this Act and other Acts relating to the said corporation and by rules, orders and regulations of the corporation, conferred upon the said Mother Superior.

1915, c. 95, s. 6, repealed.

(2) Section 6 of the said Act is repealed.

Power to acquire real property by purchase, etc.

3. The corporation may from time to time and at all times, purchase, acquire, or otherwise take, receive, hold,

possess, and enjoy any lands and tenements or interest therein, and the same alienate, sell, convey, lease, mortgage and dispose of, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act.* Rev. Stat., c. 147.

Confirmation of titles.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act; and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Lending powers.

5. The corporation may lend money to, guarantee the contracts of, or otherwise assist any corporation, organization, association, society, institution or foundation, in union or affiliation with the corporation and engaged in works and undertakings similar to those of the corporation.

Issue of bonds, debentures, etc.

6. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may deem expedient and may pledge or sell such bonds, debentures and obligations for such sums and at such prices as the corporation may deem expedient, and may hypothecate, mortgage, charge or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures, obligations, and any money borrowed for the purposes of the corporation.

No obligation respecting application of moneys borrowed.

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Construction with prior Acts.

8. This Act shall be read with the Act passed in the thirty-fourth year of the reign of Her late Majesty Queen Victoria, chaptered 92, and the Act passed in the fifth year of the reign of His late Majesty King George the Fifth, chaptered 95, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the provisions of this Act and the provisions of the said Acts, the provisions of this Act shall govern.

BILL

An Act respecting The Sisters of St. Joseph of the Diocese of London.

1st Reading

March 4th, 1938

2nd Reading

March 16th, 1938

3rd Reading

March 22nd, 1938

MR. DUNCAN

1938

No. 14

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Belleville.

MR. ARNOTT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 14 1938

BILL

An Act respecting the City of Belleville.

Preamble. WHEREAS the corporation of the city of Belleville has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Belleville Act, 1938.*

Application of certain surplus moneys. **2.** The council of the corporation of the city of Belleville may, with the approval of the Ontario Municipal Board, during the years 1938, 1939, 1940 and 1941, or any of them, apply any accumulated surplus not exceeding $20,000 in any one year which is not required for sinking fund purposes for the general purposes of the corporation, provided that such power shall not be exercised in any year in which the general tax rate exceeds 50.9 mills.

When rates for sinking fund may cease. **3.** The council of the corporation may, with the approval of the Ontario Municipal Board, cease to levy rates provided for in any sinking fund by-law when the amount in such fund is sufficient to meet the requirements for which it was established.

Rev. Stat., c. 266, s. 323, not to apply. **4.** In the exercise of the powers conferred upon the council of the corporation by this Act section 323 of *The Municipal Act* shall not be applicable.

BILL

An Act respecting the City of Belleville.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. ARNOTT

(*Private Bill*)

1938

No. 15

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of St. Catharines.

MR. HAINES

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 15 1938

BILL

An Act respecting the City of St. Catharines.

Preamble.

WHEREAS the corporation of the city of St. Catharines has by its petition prayed for special legislation in respect to the matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of St. Catharines Act, 1938*.

Power to acquire land and construct arena.

2. Subject to the approval of the Ontario Municipal Board, the corporation of the city of St. Catharines may acquire land for and may construct an arena to provide facilities for winter recreation and sports and a forum for public gatherings.

By-law number 4421 confirmed.

3. Subject to the approval of the Ontario Municipal Board, by-law number 4421 passed by the council of the corporation on the 24th day of January, 1938, set out as Schedule A hereto, authorizing the issue of debentures for $40,000 to provide part of the cost of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Board of Park Management to manage.

4. The Board of Park Management for the City of St. Catharines may manage, regulate and control the said arena.

By-law number 4424 confirmed.

5. By-law number 4424 passed by the council of the corporation on the 7th day of February, 1938, set out in Schedule B hereto, authorizing an agreement between the corporation and the said Board of Park Management to provide for the general management, regulation, control and financing of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Where municipal clerk to act as returning officer at election of Separate School Board.

6. Where the Board of Trustees of the Roman Catholic Separate Schools for the City of St. Catharines by resolution requests that the clerk of the corporation perform the duties

of returning officer for the election of members of the said trustee board and the council of the corporation by by-law consents thereto, clauses *b*, *c* and *d* of section 40 of *The Separate Schools Act* shall not apply, and the election shall be held as nearly as may be in the same manner as a municipal election.

Rev. Stat., c. 362.

SCHEDULE A

BY-LAW No. 4421

A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena.

WHEREAS the Council of the Corporation of the City of St. Catharines has been approached by a Committee of citizens who have requested the Council to consider the construction of an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the request of the Committee with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the said Committee, after careful investigation, estimates that the said arena can be completed at a cost not exceeding $80,000 and undertakes to raise, by public subscription, the sum of at least $40,000 to provide part of the cost thereof and requests the Council to submit a by-law to the electors, entitled to vote on money by-laws, for the purpose of obtaining their assent to the issue of debentures for the sum of $40,000, or such lesser sum as may be required for the purpose of providing the remaining part of the cost thereof.

AND WHEREAS the Council proposes, if this by-law is assented to by the said electors and the sum of not less than $40,000 is publicly subscribed, that the arena shall be constructed by the Corporation on property at the south-west corner of Phelps Street and Division Street with entrances on both said streets.

AND WHEREAS the Council proposes, after completion of the construction thereof, to vest the control and management of the arena in the Board of Park Management for the City of St. Catharines.

AND WHEREAS the Council proposes to apply to the Legislative Assembly of the Province of Ontario for any legislation necessary to validate this by-law and to implement the said proposals.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to and validated by special legislation, to issue debentures for the sum of $40,000 to defray the Corporation's part of the cost of the said arena, which amount, with interest thereon, is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of twenty years from the date of the issue of the said debentures with interest thereon at the rate of 3½% per annum.

AND WHEREAS it will be necessary to raise annually during the said period of twenty years to pay the said annual instalments of principal and interest as they become due and payable, the amounts hereinafter specified, by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality.

AND WHEREAS the amount of the whole rateable property of the City of St. Catharines, according to the last revised assessment roll, is $24,109,556, exclusive of corporation income assessment.

AND WHEREAS the amount of the existing debenture debt of the Corporation is $1,321,094.44, exclusive of the local improvement and other

indebtedness which, by the provisions of certain Statutes of the Province of Ontario, is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached and no part of the principal or interest thereof is in arrears.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That for the purpose aforesaid it shall be lawful for the Council of the Corporation of the City of St. Catharines to borrow upon debentures of the Corporation the sum of $40,000 and debentures shall be made and issued therefor (or such lesser sum as may be required) in sums of not less than $50.00 each, which debentures shall be signed by the Mayor and countersigned by the Commissioner of Finance and sealed with the corporate seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty equal annual instalments during the twenty years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:—

Year	Principal	Interest	Total
1	$2,000.00	$1,400.00	$3,400.00
2	2,000.00	1,330.00	3,330.00
3	2,000.00	1,260.00	3,260.00
4	2,000.00	1,190.00	3,190.00
5	2,000.00	1,120.00	3,120.00
6	2,000.00	1,050.00	3,050.00
7	2,000.00	980.00	2,980.00
8	2,000.00	910.00	2,910.00
9	2,000.00	840.00	2,840.00
10	2,000.00	770.00	2,770.00
11	2,000.00	700.00	2,700.00
12	2,000.00	630.00	2,630.00
13	2,000.00	560.00	2,560.00
14	2,000.00	490.00	2,490.00
15	2,000.00	420.00	2,420.00
16	2,000.00	350.00	2,350.00
17	2,000.00	280.00	2,280.00
18	2,000.00	210.00	2,210.00
19	2,000.00	140.00	2,140.00
20	2,000.00	70.00	2,070.00
	$40,000.00		

3. The said debentures shall bear interest at the rate of 3½% per annum payable on the balances remaining from time to time unpaid, half-yearly during the currency thereof, and coupons shall be attached thereto for the payment of the said interest.

4. The debentures, both as to principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. During the currency of the said debentures there shall be raised and levied annually in respect thereof, by special rates sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines the amounts for each of the said before mentioned years respectively as are required to meet the annual instalment of principal and interest due in each year and as shown and set forth in the foregoing table.

6. That this by-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

7. That no debentures shall be issued or sold until there shall have been paid over to the Commissioner of Finance for the Corporation by the said Committee on behalf of public subscribers the sum of not less than $40,000, being the amount of the public subscription proposed by the said Committee to be raised for the purpose of paying part of the cost of constructing the said arena.

Passed this 24th day of January, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE B

BY-LAW No. 4424

A By-law to vest the general management, regulation and control of the civic arena in the Board of Park Management for the City of St. Catharines and to authorize an agreement with the said Board.

WHEREAS BY-LAW No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena," was submitted, on January 1st last, to the ratepayers entitled to vote on money by-laws and assented to by them.

AND WHEREAS the Council of the Corporation of the City of St. Catharines proposes to construct an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of St. Catharines.

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the general management, regulation and control of the said arena, to be constructed by the Corporation, be and is hereby vested in the Board of Park Management for the City of St. Catharines.

2. That an agreement between the Corporation and the said Board, a copy of which is attached hereto and forms part of this By-law, shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement and the Clerk is hereby authorized to affix the corporate seal.

Passed this 7th day of February, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

THIS AGREEMENT made this ———— day of ————, one thousand nine hundred and thirty-eight,

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES, hereinafter called the "Corporation";

of the FIRST PART:

—and—

THE BOARD OF PARK MANAGEMENT FOR THE CITY OF ST. CATHARINES, hereinafter called the "Board,"

of the SECOND PART

WHEREAS the Council of the Corporation has passed By-law No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide

part of the cost of constructing an arena," which was submitted, on January 1st, 1938, to the votes of the electors entitled to vote on money by-laws and assented to by them and proposes, upon the receipt of $40,000 or more from public subscriptions to be raised by a committee of citizens known as the Arena Committee, to construct an arena for the purpose of providing proper facilities for winter recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings.

And Whereas the Council proposes to vest the general management, regulation and control of the said Arena in the Board.

And Whereas the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures and construct the said Arena and for authority for the Board to manage, regulate and control the said Arena under the provisions of the Public Parks Act.

And Whereas it is deemed expedient to enter into an agreement expressing the manner in which the said Arena is to be constructed and the terms and conditions under which it is to be managed, regulated and controlled by the Board.

Now Therefore this Indenture Witnesseth that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereto covenant and agree as follows:—

1. The Corporation shall construct the said Arena on land which it shall acquire at the south-westerly intersection of Division Street and Phelps Street in the City of St. Catharines and on such land adjacent thereto, forming part of what is known as Riordon Park, as may be required therefor and as shown on the plan attached hereto.

2. The plans and specifications for the Arena shall be prepared under the supervision of a Plans Committee to be appointed by the Council of the said Corporation and composed of three members of the said Council, the three members of the Board nominated by the Board, and three members of the said Arena Committee.

3. The duties of the Plans Committee shall be to—

(1) Recommend to the Council the person or firm to be appointed as the Architect or Engineer.

(2) Instruct the Architect or Engineer in the preparation of plans and specifications for the Arena.

(3) Recommend to the Council the adoption of such plans and specifications as may be approved by the Committee.

4. The Corporation shall appoint the Architect or Engineer and shall finally approve the plans and specifications, subject to the prior written approval of the Board expressed by resolution thereof, and shall call for tenders thereon and may let such contract or contracts as it may deem advisable.

5. Upon a contract or contracts being let by the Corporation, the Council shall appoint a Building Committee composed of three members of the Council and two members of the Board, to be nominated by the Board, whose duty it shall be to supervise the construction of the Arena pursuant to the plans and specifications as finally approved.

6. No substantial alteration, modification or change or any alteration, modification or change involving an expenditure exceeding One hundred dollars ($100.00) shall be made by the Building Committee in the plans and specifications finally approved and upon which the contracts are let without the approval of the Council expressed by resolution thereof.

7. The Building Committee shall make weekly written reports

accompanied by a report from the Architect or Engineer to the Council stating the progress made in the construction of the Arena and recommending any payments due to a contractor.

8. The general management, regulation and control of the Arena shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in the Public Parks Act and the Board shall properly maintain the Arena and grounds thereof.

9. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said Arena.

10. The fiscal year, for the purposes of the general management of the Arena, shall be from the first day of October until the succeeding thirtieth day of September and all revenue derived from the operation of the Arena by the Board, over and above operating and maintenance expense, which shall not include a depreciation reserve, shall be paid over from time to time by the Board to the Commissioner of Finance for the City of St. Catharines and in full on or before the first day of January in the succeeding year and such surpluses shall be applied by the said Commissioner of Finance on the payments required to meet the annual charges on the debentures issued pursuant to said By-law No. 4421.

11. In the event of the moneys paid over to the Commissioner of Finance exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Commissioner of Finance in a special fund, to be known as the Arena Debenture Fund, for the purpose of providing for future annual debenture requirements.

12. In the event of the surplus revenue, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

13. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses, in any year, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

14. When and after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

15. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore recited, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

16. When and after the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena and also may accumulate a reserve to be called the Surplus Fund that shall not exceed, without the consent of the said Council expressed by by-law thereof, an amount that may be equal, from time to time, to the sum produced by one mill on the total assessment of the Corporation, and in the event of such Surplus Fund exceeding the amount produced by one mill on the assessment the excess, except as may be approved and consented to by the said Council, shall be applied to reduce the Park Fund Rate to which the Board is entitled under the provisions of the said The Public Parks Act.

17. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all moneys, if any, set aside in the Surplus Fund shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

18. The Board shall not make any capital expenditure in connection with the said Arena, prior to payment off of the said debentures or the accumulation of an amount in the Arena Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

19. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all moneys accumulated in the Surplus Fund or the Depreciation Reserve shall forthwith, upon a by-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation.

20. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply, *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

21. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

In Witness Whereof the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

Signed, Sealed and Delivered

In the presence of

BILL

An Act respecting the City of St. Catharines.

1st Reading

2nd Reading

3rd Reading

MR. HAINES

(*Private Bill*)

1938

No. 15

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of St. Catharines.

MR. HAINES

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
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No. 15 1938

BILL

An Act respecting the City of St. Catharines.

Preamble.

WHEREAS the corporation of the city of St. Catharines has by its petition prayed for special legislation in respect to the matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of St. Catharines Act, 1938.*

Power to acquire land and construct arena.

2. Subject to the approval of the Ontario Municipal Board, the corporation of the city of St. Catharines may acquire land for and may construct an arena to provide facilities for winter recreation and sports and a forum for public gatherings.

By-law number 4421 confirmed.

3. Subject to the approval of the Ontario Municipal Board, by-law number 4421 passed by the council of the corporation on the 24th day of January, 1938, set out as Schedule A hereto, authorizing the issue of debentures for $40,000 to provide part of the cost of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Board of Park Management to manage.

4. The Board of Park Management for the City of St. Catharines may manage, regulate and control the said arena.

By-law number 4424 and agreement with Parks Board confirmed.

5. By-law number 4424 passed by the council of the corporation on the 7th day of February, 1938, set out in Schedule B hereto, authorizing an agreement between the corporation and the said Board of Park Management to provide for the general management, regulation, control and financing of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof, and the agreement entered into pursuant to the authority of the said by-law number 4424, which forms part of the said Schedule B, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof and the said Board of Park Management.

Where municipal clerk to act as returning officer at election of Separate School Board.

Rev. Stat., c. 362.

6. Where the Board of Trustees of the Roman Catholic Separate Schools for the City of St. Catharines by resolution requests that the clerk of the corporation perform the duties of returning officer for the election of members of the said trustee board and the council of the corporation by by-law consents thereto, clauses *b*, *c* and *d* of section 40 of *The Separate Schools Act* shall not apply, and the election shall be held as nearly as may be in the same manner as a municipal election.

SCHEDULE A

BY-LAW No. 4421

A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena.

WHEREAS the Council of the Corporation of the City of St. Catharines has been approached by a Committee of citizens who have requested the Council to consider the construction of an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the request of the Committee with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the said Committee, after careful investigation, estimates that the said arena can be completed at a cost not exceeding $80,000 and undertakes to raise, by public subscription, the sum of at least $40,000 to provide part of the cost thereof and requests the Council to submit a by-law to the electors, entitled to vote on money by-laws, for the purpose of obtaining their assent to the issue of debentures for the sum of $40,000, or such lesser sum as may be required for the purpose of providing the remaining part of the cost thereof.

AND WHEREAS the Council proposes, if this by-law is assented to by the said electors and the sum of not less than $40,000 is publicly subscribed, that the arena shall be constructed by the Corporation on property at the south-west corner of Phelps Street and Division Street with entrances on both said streets.

AND WHEREAS the Council proposes, after completion of the construction thereof, to vest the control and management of the arena in the Board of Park Management for the City of St. Catharines.

AND WHEREAS the Council proposes to apply to the Legislative Assembly of the Province of Ontario for any legislation necessary to validate this by-law and to implement the said proposals.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to and validated by special legislation, to issue debentures for the sum of $40,000 to defray the Corporation's part of the cost of the said arena, which amount, with interest thereon, is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of twenty years from the date of the issue of the said debentures with interest thereon at the rate of 3½% per annum.

AND WHEREAS it will be necessary to raise annually during the said period of twenty years to pay the said annual instalments of principal and interest as they become due and payable, the amounts hereinafter specified, by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality.

AND WHEREAS the amount of the whole rateable property of the City of St. Catharines, according to the last revised assessment roll, is $24,109,556, exclusive of corporation income assessment.

AND WHEREAS the amount of the existing debenture debt of the Corporation is $1,321,094.44, exclusive of the local improvement and other

indebtedness which, by the provisions of certain Statutes of the Province of Ontario, is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached and no part of the principal or interest thereof is in arrears.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That for the purpose aforesaid it shall be lawful for the Council of the Corporation of the City of St. Catharines to borrow upon debentures of the Corporation the sum of $40,000 and debentures shall be made and issued therefor (or such lesser sum as may be required) in sums of not less than $50.00 each, which debentures shall be signed by the Mayor and countersigned by the Commissioner of Finance and sealed with the corporate seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty equal annual instalments during the twenty years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:—

Year	Principal	Interest	Total
1	$2,000.00	$1,400.00	$3,400.00
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5	2,000.00	1,120.00	3,120.00
6	2,000.00	1,050.00	3,050.00
7	2,000.00	980.00	2,980.00
8	2,000.00	910.00	2,910.00
9	2,000.00	840.00	2,840.00
10	2,000.00	770.00	2,770.00
11	2,000.00	700.00	2,700.00
12	2,000.00	630.00	2,630.00
13	2,000.00	560.00	2,560.00
14	2,000.00	490.00	2,490.00
15	2,000.00	420.00	2,420.00
16	2,000.00	350.00	2,350.00
17	2,000.00	280.00	2,280.00
18	2,000.00	210.00	2,210.00
19	2,000.00	140.00	2,140.00
20	2,000.00	70.00	2,070.00
	$40,000.00		

3. The said debentures shall bear interest at the rate of 3½% per annum payable on the balances remaining from time to time unpaid, half-yearly during the currency thereof, and coupons shall be attached thereto for the payment of the said interest.

4. The debentures, both as to principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. During the currency of the said debentures there shall be raised and levied annually in respect thereof, by special rates sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines the amounts for each of the said before mentioned years respectively as are required to meet the annual instalment of principal and interest due in each year and as shown and set forth in the foregoing table.

6. That this by-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

7. That no debentures shall be issued or sold until there shall have been paid over to the Commissioner of Finance for the Corporation by the said Committee on behalf of public subscribers the sum of not less than $40,000, being the amount of the public subscription proposed by the said Committee to be raised for the purpose of paying part of the cost of constructing the said arena.

Passed this 24th day of January, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE B

BY-LAW No. 4424

A By-law to vest the general management, regulation and control of the civic arena in the Board of Park Management for the City of St. Catharines and to authorize an agreement with the said Board.

WHEREAS BY-LAW No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena," was submitted, on January 1st last, to the ratepayers entitled to vote on money by-laws and assented to by them.

AND WHEREAS the Council of the Corporation of the City of St. Catharines proposes to construct an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of St. Catharines.

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the general management, regulation and control of the said arena, to be constructed by the Corporation, be and is hereby vested in the Board of Park Management for the City of St. Catharines.

2. That an agreement between the Corporation and the said Board, a copy of which is attached hereto and forms part of this By-law, shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement and the Clerk is hereby authorized to affix the corporate seal.

Passed this 7th day of February, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

THIS AGREEMENT made this Seventh day of February, one thousand nine hundred and thirty-eight,

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES,
hereinafter called the "Corporation";

of the FIRST PART:

—and—

THE BOARD OF PARK MANAGEMENT FOR THE CITY OF ST. CATHARINES,
hereinafter called the "Board,"

of the SECOND PART.

WHEREAS the Council of the Corporation has passed By-law No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide

part of the cost of constructing an arena," which was submitted, on January 1st, 1938, to the votes of the electors entitled to vote on money by-laws and assented to by them and proposes, upon the receipt of $40,000 or more from public subscriptions to be raised by a committee of citizens known as the Arena Committee, to construct an arena for the purpose of providing proper facilities for winter recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings.

AND WHEREAS the Council proposes to vest the general management, regulation and control of the said Arena in the Board.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures and construct the said Arena and for authority for the Board to manage, regulate and control the said Arena under the provisions of the Public Parks Act.

AND WHEREAS it is deemed expedient to enter into an agreement expressing the manner in which the said Arena is to be constructed and the terms and conditions under which it is to be managed, regulated and controlled by the Board.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereto covenant and agree as follows:—

1. The Corporation shall construct the said Arena on land which it shall acquire at the south-westerly intersection of Division Street and Phelps Street in the City of St. Catharines and on such land adjacent thereto, forming part of what is known as Riordon Park, as may be required therefor and as shown on the plan attached hereto.

2. The plans and specifications for the Arena shall be prepared under the supervision of a Plans Committee to be appointed by the Council of the said Corporation and composed of three members of the said Council, the three members of the Board nominated by the Board, and three members of the said Arena Committee.

3. The duties of the Plans Committee shall be to—

(1) Recommend to the Council the person or firm to be appointed as the Architect or Engineer.

(2) Instruct the Architect or Engineer in the preparation of plans and specifications for the Arena.

(3) Recommend to the Council the adoption of such plans and specifications as may be approved by the Committee.

4. The Corporation shall appoint the Architect or Engineer and shall finally approve the plans and specifications, subject to the prior written approval of the Board expressed by resolution thereof, and shall call for tenders thereon and may let such contract or contracts as it may deem advisable.

5. Upon a contract or contracts being let by the Corporation, the Council shall appoint a Building Committee composed of three members of the Council and two members of the Board, to be nominated by the Board, whose duty it shall be to supervise the construction of the Arena pursuant to the plans and specifications as finally approved.

6. No substantial alteration, modification or change or any alteration, modification or change involving an expenditure exceeding One hundred dollars ($100.00) shall be made by the Building Committee in the plans and specifications finally approved and upon which the contracts are let without the approval of the Council expressed by resolution thereof.

7. The Building Committee shall make weekly written reports

accompanied by a report from the Architect or Engineer to the Council stating the progress made in the construction of the Arena and recommending any payments due to a contractor.

8. The general management, regulation and control of the Arena shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in the Public Parks Act and the Board shall properly maintain the Arena and grounds thereof.

9. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said Arena.

10. The fiscal year, for the purposes of the general management of the Arena, shall be from the first day of October until the succeeding thirtieth day of September and all revenue derived from the operation of the Arena by the Board, over and above operating and maintenance expense, which shall not include a depreciation reserve, shall be paid over from time to time by the Board to the Commissioner of Finance for the City of St. Catharines and in full on or before the first day of January in the succeeding year and such surpluses shall be applied by the said Commissioner of Finance on the payments required to meet the annual charges on the debentures issued pursuant to said By-law No. 4421.

11. In the event of the moneys paid over to the Commissioner of Finance exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Commissioner of Finance in a special fund, to be known as the Arena Debenture Fund, for the purpose of providing for future annual debenture requirements.

12. In the event of the surplus revenue, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

13. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses, in any year, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

14. When and after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

15. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore recited, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

16. When and after the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena and also may accumulate a reserve to be called the Surplus Fund that shall not exceed, without the consent of the said Council expressed by by-law thereof, an amount that may be equal, from time to time, to the sum produced by one mill on the total assessment of the Corporation, and in the event of such Surplus Fund exceeding the amount produced by one mill on the assessment the excess, except as may be approved and consented to by the said Council, shall be applied to reduce the Park Fund Rate to which the Board is entitled under the provisions of the said The Public Parks Act.

17. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all moneys, if any, set aside in the Surplus Fund shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

18. The Board shall not make any capital expenditure in connection with the said Arena, prior to payment off of the said debentures or the accumulation of an amount in the Arena Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

19. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all moneys accumulated in the Surplus Fund or the Depreciation Reserve shall forthwith, upon a by-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation.

20. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply, *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

21. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

In Witness Whereof the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

Signed, Sealed and Delivered In the presence of	The Corporation of the City of St. Catharines (Sgd.) John D. Wright, *Mayor.*
(Seal)	(Sgd.) Herbert H. Smith, *Clerk.*
(Seal)	The Board of Park Management for the City of St. Catharines (Sgd.) H. B. Burgoyne, *Chairman.*
	(Sgd.) Herbert H. Smith, *Secretary.*

BILL

An Act respecting the City of St. Catharines.

1st Reading

March 11th, 1938

2nd Reading

March 21st, 1938

3rd Reading

MR. HAINES

(*Reprinted as amended in Committee of the Whole House.*)

1938

No. 15

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of St. Catharines.

MR. HAINES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 15 1938

BILL

An Act respecting the City of St. Catharines.

Preamble. WHEREAS the corporation of the city of St. Catharines has by its petition prayed for special legislation in respect to the matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of St. Catharines Act, 1938.*

Power to acquire land and construct arena. **2.** Subject to the approval of the Ontario Municipal Board, the corporation of the city of St. Catharines may acquire land for and may construct an arena to provide facilities for winter recreation and sports and a forum for public gatherings.

By-law number 4421 confirmed. **3.** Subject to the approval of the Ontario Municipal Board, by-law number 4421 passed by the council of the corporation on the 24th day of January, 1938, set out as Schedule A hereto, authorizing the issue of debentures for $40,000 to provide part of the cost of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Board of Park Management to manage. **4.** The Board of Park Management for the City of St. Catharines may manage, regulate and control the said arena.

By-law number 4424 and agreement with Parks Board confirmed. **5.** By-law number 4424 passed by the council of the corporation on the 7th day of February, 1938, set out in Schedule B hereto, authorizing an agreement between the corporation and the said Board of Park Management to provide for the general management, regulation, control and financing of the said arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof, and the agreement entered into pursuant to the authority of the said by-law number 4424, which forms part of the said Schedule B, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof and the said Board of Park Management.

6. Where the Board of Trustees of the Roman Catholic Separate Schools for the City of St. Catharines by resolution requests that the clerk of the corporation perform the duties of returning officer for the election of members of the said trustee board and the council of the corporation by by-law consents thereto, clauses *b*, *c* and *d* of section 40 of *The Separate Schools Act* shall not apply, and the election shall be held as nearly as may be in the same manner as a municipal election. Where municipal clerk to act as returning officer at election of Separate School Board. Rev. Stat., c. 362.

SCHEDULE A

BY-LAW No. 4421

A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena.

WHEREAS the Council of the Corporation of the City of St. Catharines has been approached by a Committee of citizens who have requested the Council to consider the construction of an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the request of the Committee with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the said Committee, after careful investigation, estimates that the said arena can be completed at a cost not exceeding $80,000 and undertakes to raise, by public subscription, the sum of at least $40,000 to provide part of the cost thereof and requests the Council to submit a by-law to the electors, entitled to vote on money by-laws, for the purpose of obtaining their assent to the issue of debentures for the sum of $40,000, or such lesser sum as may be required for the purpose of providing the remaining part of the cost thereof.

AND WHEREAS the Council proposes, if this by-law is assented to by the said electors and the sum of not less than $40,000 is publicly subscribed, that the arena shall be constructed by the Corporation on property at the south-west corner of Phelps Street and Division Street with entrances on both said streets.

AND WHEREAS the Council proposes, after completion of the construction thereof, to vest the control and management of the arena in the Board of Park Management for the City of St. Catharines.

AND WHEREAS the Council proposes to apply to the Legislative Assembly of the Province of Ontario for any legislation necessary to validate this by-law and to implement the said proposals.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to and validated by special legislation, to issue debentures for the sum of $40,000 to defray the Corporation's part of the cost of the said arena, which amount, with interest thereon, is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of twenty years from the date of the issue of the said debentures with interest thereon at the rate of 3½% per annum.

AND WHEREAS it will be necessary to raise annually during the said period of twenty years to pay the said annual instalments of principal and interest as they become due and payable, the amounts hereinafter specified, by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality.

AND WHEREAS the amount of the whole rateable property of the City of St. Catharines, according to the last revised assessment roll, is $24,109,556, exclusive of corporation income assessment.

AND WHEREAS the amount of the existing debenture debt of the Corporation is $1,321,094.44, exclusive of the local improvement and other

ndebtedness which, by the provisions of certain Statutes of the Province of Ontario, is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached and no part of the principal or interest thereof is in arrears.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That for the purpose aforesaid it shall be lawful for the Council of the Corporation of the City of St. Catharines to borrow upon debentures of the Corporation the sum of $40,000 and debentures shall be made and issued therefor (or such lesser sum as may be required) in sums of not less than $50.00 each, which debentures shall be signed by the Mayor and countersigned by the Commissioner of Finance and sealed with the corporate seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty equal annual instalments during the twenty years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:—

Year	Principal	Interest	Total
1	$2,000.00	$1,400.00	$3,400.00
2	2,000.00	1,330.00	3,330.00
3	2,000.00	1,260.00	3,260.00
4	2,000.00	1,190.00	3,190.00
5	2,000.00	1,120.00	3,120.00
6	2,000.00	1,050.00	3,050.00
7	2,000.00	980.00	2,980.00
8	2,000.00	910.00	2,910.00
9	2,000.00	840.00	2,840.00
10	2,000.00	770.00	2,770.00
11	2,000.00	700.00	2,700.00
12	2,000.00	630.00	2,630.00
13	2,000.00	560.00	2,560.00
14	2,000.00	490.00	2,490.00
15	2,000.00	420.00	2,420.00
16	2,000.00	350.00	2,350.00
17	2,000.00	280.00	2,280.00
18	2,000.00	210.00	2,210.00
19	2,000.00	140.00	2,140.00
20	2,000.00	70.00	2,070.00
	$40,000.00		

3. The said debentures shall bear interest at the rate of 3½% per annum payable on the balances remaining from time to time unpaid, half-yearly during the currency thereof, and coupons shall be attached thereto for the payment of the said interest.

4. The debentures, both as to principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. During the currency of the said debentures there shall be raised and levied annually in respect thereof, by special rates sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines the amounts for each of the said before mentioned years respectively as are required to meet the annual instalment of principal and interest due in each year and as shown and set forth in the foregoing table.

6. That this by-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

7. That no debentures shall be issued or sold until there shall have been paid over to the Commissioner of Finance for the Corporation by the said Committee on behalf of public subscribers the sum of not less than $40,000, being the amount of the public subscription proposed by the said Committee to be raised for the purpose of paying part of the cost of constructing the said arena.

Passed this 24th day of January, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE B

BY-LAW No. 4424

A By-law to vest the general management, regulation and control of the civic arena in the Board of Park Management for the City of St. Catharines and to authorize an agreement with the said Board.

WHEREAS BY-LAW No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide part of the cost of constructing an arena," was submitted, on January 1st last, to the ratepayers entitled to vote on money by-laws and assented to by them.

AND WHEREAS the Council of the Corporation of the City of St. Catharines proposes to construct an arena for the purpose of providing proper facilities for winter recreation and sports and a forum for public gatherings.

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of St. Catharines.

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the general management, regulation and control of the said arena, to be constructed by the Corporation, be and is hereby vested in the Board of Park Management for the City of St. Catharines.

2. That an agreement between the Corporation and the said Board, a copy of which is attached hereto and forms part of this By-law, shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement and the Clerk is hereby authorized to affix the corporate seal.

Passed this 7th day of February, 1938.

(Sgd.) JOHN D. WRIGHT,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

THIS AGREEMENT made this Seventh day of February, one thousand nine hundred and thirty-eight,

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES,
hereinafter called the "Corporation";

of the FIRST PART:

—and—

THE BOARD OF PARK MANAGEMENT FOR THE CITY OF ST. CATHARINES,
hereinafter called the "Board,"

of the SECOND PART.

WHEREAS the Council of the Corporation has passed By-law No. 4421, "A By-law to authorize the issue of debentures for $40,000 to provide

part of the cost of constructing an arena," which was submitted, on January 1st, 1938, to the votes of the electors entitled to vote on money by-laws and assented to by them and proposes, upon the receipt of $40,000 or more from public subscriptions to be raised by a committee of citizens known as the Arena Committee, to construct an arena for the purpose of providing proper facilities for winter recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings.

AND WHEREAS the Council proposes to vest the general management, regulation and control of the said Arena in the Board.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures and construct the said Arena and for authority for the Board to manage, regulate and control the said Arena under the provisions of the Public Parks Act.

AND WHEREAS it is deemed expedient to enter into an agreement expressing the manner in which the said Arena is to be constructed and the terms and conditions under which it is to be managed, regulated and controlled by the Board.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereto covenant and agree as follows:—

1. The Corporation shall construct the said Arena on land which it shall acquire at the south-westerly intersection of Division Street and Phelps Street in the City of St. Catharines and on such land adjacent thereto, forming part of what is known as Riordon Park, as may be required therefor and as shown on the plan attached hereto.

2. The plans and specifications for the Arena shall be prepared under the supervision of a Plans Committee to be appointed by the Council of the said Corporation and composed of three members of the said Council, the three members of the Board nominated by the Board, and three members of the said Arena Committee.

3. The duties of the Plans Committee shall be to—

(1) Recommend to the Council the person or firm to be appointed as the Architect or Engineer.

(2) Instruct the Architect or Engineer in the preparation of plans and specifications for the Arena.

(3) Recommend to the Council the adoption of such plans and specifications as may be approved by the Committee.

4. The Corporation shall appoint the Architect or Engineer and shall finally approve the plans and specifications, subject to the prior written approval of the Board expressed by resolution thereof, and shall call for tenders thereon and may let such contract or contracts as it may deem advisable.

5. Upon a contract or contracts being let by the Corporation, the Council shall appoint a Building Committee composed of three members of the Council and two members of the Board, to be nominated by the Board, whose duty it shall be to supervise the construction of the Arena pursuant to the plans and specifications as finally approved.

6. No substantial alteration, modification or change or any alteration, modification or change involving an expenditure exceeding One hundred dollars ($100.00) shall be made by the Building Committee in the plans and specifications finally approved and upon which the contracts are let without the approval of the Council expressed by resolution thereof.

7. The Building Committee shall make weekly written reports

accompanied by a report from the Architect or Engineer to the Council stating the progress made in the construction of the Arena and recommending any payments due to a contractor.

8. The general management, regulation and control of the Arena shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in the Public Parks Act and the Board shall properly maintain the Arena and grounds thereof.

9. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said Arena.

10. The fiscal year, for the purposes of the general management of the Arena, shall be from the first day of October until the succeeding thirtieth day of September and all revenue derived from the operation of the Arena by the Board, over and above operating and maintenance expense, which shall not include a depreciation reserve, shall be paid over from time to time by the Board to the Commissioner of Finance for the City of St. Catharines and in full on or before the first day of January in the succeeding year and such surpluses shall be applied by the said Commissioner of Finance on the payments required to meet the annual charges on the debentures issued pursuant to said By-law No. 4421.

11. In the event of the moneys paid over to the Commissioner of Finance exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Commissioner of Finance in a special fund, to be known as the Arena Debenture Fund, for the purpose of providing for future annual debenture requirements.

12. In the event of the surplus revenue, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

13. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses, in any year, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

14. When and after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

15. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore recited, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

16. When and after the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena and also may accumulate a reserve to be called the Surplus Fund that shall not exceed, without the consent of the said Council expressed by by-law thereof, an amount that may be equal, from time to time, to the sum produced by one mill on the total assessment of the Corporation, and in the event of such Surplus Fund exceeding the amount produced by one mill on the assessment the excess, except as may be approved and consented to by the said Council, shall be applied to reduce the Park Fund Rate to which the Board is entitled under the provisions of the said The Public Parks Act.

17. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the debentures have been paid or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all moneys, if any, set aside in the Surplus Fund shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

18. The Board shall not make any capital expenditure in connection with the said Arena, prior to payment off of the said debentures or the accumulation of an amount in the Arena Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

19. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all moneys accumulated in the Surplus Fund or the Depreciation Reserve shall forthwith, upon a by-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation.

20. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply, *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

21. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

In Witness Whereof the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

Signed, Sealed and Delivered In the presence of	The Corporation of the City of St. Catharines (Sgd.) John D. Wright, *Mayor.*
(Seal)	(Sgd.) Herbert H. Smith, *Clerk.*
(Seal)	The Board of Park Management for the City of St. Catharines (Sgd.) H. B. Burgoyne, *Chairman.*
	(Sgd.) Herbert H. Smith, *Secretary.*

BILL

An Act respecting the City of St. Catharines.

1st Reading

March 11th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 28th, 1938

MR. HAINES

1938

No. 16

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Sudbury Community Young Men's, Young Women's Christian Association.

MR. MILLER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 16 1938

BILL

An Act respecting The Sudbury Community Young Men's, Young Women's Christian Association.

Preamble.

WHEREAS the several persons named in section 2 of this Act have prayed that an Act be passed to incorporate The Sudbury Community Young Men's, Young Women's Christian Association as a body corporate and politic for the purposes and with the powers hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sudbury Community Young Men's, Young Women's Christian Association Act, 1938.*

Incorporation.

2. E. T. Austin, T. J. Birney, S. B. Brotherston, Robert Brown, Ross Clarke, E. Craig, C. A. Durkee, Lorne Fowler, Harold Gardner, J. H. Geldart, W. T. Green, F. S. James, J. A. Laberge, R. J. Macaulay, George Metcalfe, Dr. A. E. Morgan, R. C. Mornan, A. J. Samson, G. M. Smith, A. J. Thomson, Edward Webster, and such other persons as now are or hereafter shall become members thereof, shall be and they are hereby constituted a body corporate and politic under the name of "The Sudbury Community Young Men's, Young Women's Christian Association," hereinafter called the "association."

Vesting of property.

3. All property real and personal belonging to or held in trust for the association shall henceforth be vested in the association to be held, used, administered and disposed of, subject to the provisions of this Act, in accordance with the constitution and by-laws of the association.

Property liable for existing debts.

4. All property vested by this Act in the association shall remain liable for the payment or satisfaction of any debts or any obligations heretofore contracted or incurred in respect thereto, to the same extent as it would have been liable therefor had this Act not been passed.

Power to acquire and dispose of real estate.

5. The association may acquire and hold in the city of Sudbury and vicinity thereof, any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the association and not required for its actual use and purposes, or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Proviso.

Provisional directors.

6.—(1) The provisional directors of the association shall be the said E. T. Austin, T. J. Birney, S. B. Brotherston, Robert Brown, Ross Clarke, E. Craig, C. A. Durkee, Lorne Fowler, Harold Gardner, J. H. Geldart, W. T. Green, F. S. James, J. A. Laberge, R. J. Macaulay, George Metcalfe, Dr. A. E. Morgan, R. C. Mornan, A. J. Samson, G. M. Smith, A. J. Thomson, Edward Webster, who shall hold office until the first annual general meeting of the members of the association, which shall be held not later than the 30th day of April, 1939.

Provisional constitution and by-laws.

(2) It shall be the duty of the provisional directors to adopt a provisional constitution and by-laws of the association and submit the same to the first annual general meeting of the members of the association for their consideration and confirmation, and the said provisional constitution and by-laws when so confirmed or as the same may be varied and amended at the said meeting shall be the constitution and by-laws of the association subject to any addition to, amendment or variation of or substitution for the same as may afterwards be made as provided for therein.

First directors.

(3) At the said first annual general meeting the directors of the association shall be elected as provided for in the provisional constitution and by-laws, and the directors so elected shall hold office in accordance with the constitution and by-laws as finally confirmed and adopted at such meeting.

Copies of by-laws, etc., to be sent to members.

(4) The provisional directors shall furnish each member of the association with a copy of the provisional constitution and by-laws at least fourteen days prior to the date upon which the said first annual general meeting is to be held and shall at the same time give notice of such meeting to the members.

Officers and directors.

7. The officers of the provisional board of directors of the association shall be the officers of the said association and

shall retain their respective offices until others shall be elected in their places, under the constitution and by-laws of the association.

Objects of Association.

8. The objects of the association shall be the spiritual, mental, social, educational and physical welfare and improvement of young men, boys, young women and girls by the erection, operation, maintenance and support of meetings, lectures, reading and recreation rooms, libraries, gymnasia, athletic grounds, summer camps, aquatic facilities, dormitories, lunch rooms, and such other means as may from time to time be determined upon, and to establish, maintain and operate branch associations in the city of Sudbury and the vicinity thereof, and the association may make all or part of its facilities and equipment available for use by such community organizations as may have as their object the general good of the citizens of the said city upon such terms and conditions as may be determined by the association.

Power to extend privileges to others.

Exemption from taxation.

9. The buildings, lands, equipment and undertaking of or used by the association so long as they are occupied by, used and carried on for the purposes of the association, shall be exempt from taxation except for local improvements.

Borrowing powers.

10. The association may borrow money for its purposes upon its credit and may mortgage, hypothecate or pledge any of its property real and personal as security for any loan.

Endowment fund.

11. The association may establish an endowment fund for the purpose of promoting and extending its aims and objects and in furtherance of such purpose to obtain, set aside and hold subscriptions, donations, gifts and bequests under such regulations and conditions in respect thereto as may from time to time be decided upon by the board of directors.

Power to lend money and invest its funds.

12. The said association may lend money upon the security of real estate and may invest and reinvest any of its funds and moneys in any debentures of municipal or public school districts or corporations, Dominion or provincial debentures, bonds, stocks, or in Dominion or provincial securities, or in any security the payment of which is guaranteed by the Dominion of Canada or any province thereof, and for all purposes of any loan or investment it shall have all such rights and remedies for collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

Technical education.

13. The association may establish, aid or support such courses of technical, vocational or trades education as the board of directors of the association from time to time determine.

BILL

An Act respecting The Sudbury Community Young Men's, Young Women's Christian Association.

1st Reading

2nd Reading

3rd Reading

MR. MILLER

(*Private Bill*)

1938

No. 16

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Sudbury Community Young Men's, Young Women's Christian Association.

MR. MILLER

TORONTO
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6.—(1) The provisional directors of the association shall be the said E. T. Austin, T. J. Birney, S. B. Brotherston, Robert Brown, Ross Clarke, E. Craig, C. A. Durkee, Lorne Fowler, Harold Gardner, J. H. Geldart, W. T. Green, F. S. James, J. A. Laberge, R. J. Macaulay, George Metcalfe, Dr. A. E. Morgan, R. C. Mornan, A. J. Samson, G. M. Smith, A. J. Thomson, Edward Webster, who shall hold office until the first annual general meeting of the members of the association, which shall be held not later than the 30th day of April, 1939.

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(4) The provisional directors shall furnish each member of the association with a copy of the provisional constitution and by-laws at least fourteen days prior to the date upon which the said first annual general meeting is to be held and shall at the same time give notice of such meeting to the members.

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Officers and directors.

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8. The objects of the association shall be the spiritual, mental, social, educational and physical welfare and improvement of young men, boys, young women and girls by the erection, operation, maintenance and support of meetings, lectures, reading and recreation rooms, libraries, gymnasia, athletic grounds, summer camps, aquatic facilities, dormitories, lunch rooms, and such other means as may from time to time be determined upon, and to establish, maintain and operate branch associations in the city of Sudbury and the vicinity thereof, and the association may make all or part of its facilities and equipment available for use by such community organizations as may have as their object the general good of the citizens of the said city upon such terms and conditions as may be determined by the association.

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Technical education.

13. The association may establish, aid or support such courses of technical, vocational or trades education as the board of directors of the association from time to time determine.

BILL

An Act respecting The Sudbury Community Young Men's, Young Women's Christian Association.

1st Reading

March 8th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 28th, 1938

MR. MILLER

1938

No. 17

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Town of Kearney.

Mr. Armstrong

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 17 1938

BILL

An Act respecting the Town of Kearney.

Preamble.

WHEREAS the corporation of the town of Kearney has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat., c. 62.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Kearney Rural Power Act, 1938*.

Kearney town deemed township for rural power.

2. For the purposes of *The Power Commission Act* the municipality of the town of Kearney shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

Rev. Stat., c. 62.

BILL

An Act respecting the Town of Kearney.

1st Reading

2nd Reading

3rd Reading

MR. ARMSTRONG

(*Private Bill*)

1938

No. 17

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Town of Kearney.

Mr. Armstrong

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 17 1938

BILL

An Act respecting the Town of Kearney.

Preamble. WHEREAS the corporation of the town of Kearney has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat., c. 62.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1**. This Act may be cited as *The Town of Kearney Rural Power Act, 1938.*

Kearney town deemed township for rural power. **2**. For the purposes of *The Power Commission Act* the municipality of the town of Kearney shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

Rev. Stat., c. 62.

BILL

An Act respecting the Town of Kearney.

1st Reading

March 4th, 1938

2nd Reading

March 16th, 1938

3rd Reading

March 22nd, 1938

MR. ARMSTRONG

1938

No. 18

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Village of Forest Hill.

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 18 1938

BILL

An Act respecting the Village of Forest Hill.

Preamble. WHEREAS the corporation of the village of Forest Hill has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Village of Forest Hill Act, 1938.*

Creating city of Forest Hill. **2.** From and after the 1st day of January, 1939, the said village shall be and is hereby erected into a city under the name of "The Corporation of the City of Forest Hill," and except as herein provided, shall enjoy and have all the rights, powers and privileges enjoyed and exercised by a city incorporated under *The Municipal Act.*

Rev. Stat. c. 266.

Provisions of The Municipal Act to apply to city of Forest Hill. **3.** Except as is herein provided, and except that the notice required by subsection 5 of section 19 of *The Municipal Act* need not be given, the provisions of the said Act relating to matters consequent on the erection of a town into a city and the other provisions of the said Act relating to cities shall apply to the said city of Forest Hill in so far as they are applicable in the same manner and to the same extent as if the said village had been erected into a city under the provisions of the said Act, and the Ontario Municipal Board shall make all necessary orders and directions for the completion and establishment of the said city as required by the said Act.

By-laws and regulations to be continued. **4.** All special Acts respecting the said village now in force and all by-laws and municipal regulations which are now in force in the said village shall continue and be in force with respect to the said city as if they had been passed by or for the benefit of the said city, until the same are repealed, amended or otherwise varied.

Composition of council. **5.** The council of the said city shall be composed of a mayor and four aldermen, all to be elected by general vote.

Cost of suburban roads.

6. The said city after incorporation shall bear and pay to the corporation of the county of York such portion of the cost of the construction and maintenance of the system of roads established by the Toronto and York Roads Commission pursuant to the provisions of *The Highway Improvement Act* as the said city would pay if it formed part of the county of York for municipal purposes.

Rev. Stat. c. 56.

BILL

An Act respecting the Village of Forest Hill.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. MACAULAY

(*Private Bill*)

1938

No. 19

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Ontario Association of Architects.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 19 1938

BILL

An Act respecting the Ontario Association of Architects.

Preamble. WHEREAS the Ontario Association of Architects has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Architects Amendment Act, 1938.*

Rev. Stat., c. 233, s. 18, amended. **2.** Subsection 2 of section 18 of *The Architects Act* is repealed and the following substituted therefor:

Holding out as architect defined. (2) Without restricting the generality of the foregoing, any person who prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for any proposed structure or for any structural alteration of or addition to an existing structure, when such proposed work is to cost more than $5,000, shall be deemed to hold himself out as an architect.

Proviso. (2*a*) Nothing in this Act shall prevent or be deemed to prevent,—

(*a*) any person from performing his duties in His Majesty's naval, military or aerial service;

(*b*) any member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act* domiciled in Canada, or any employee of such member or licensee, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an engineer.

Rev. Stat., c. 237.

(*c*) any person from preparing a sketch, drawing or specification for any mining structure, or any alteration of or addition to an existing mining structure;

(*d*) a *bona fide* member of an architect's staff from preparing a sketch, drawing or specification in the course of his employment under the supervision of the architect;

(*e*) a *bona fide* member of a building contractor's staff from preparing a sketch, drawing or specification under the supervision of such building contractor for use by his employer in the course of a work undertaken or proposed to be undertaken by his employer as a building contractor;

(*f*) any person from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety;

(*g*) any person from using the term "Landscape Architect."

Rev. Stat., c. 233, s. 19, amended.

3. Section 19 of *The Architects Act* is amended by adding thereto the following subsections:

Costs of inquiry may be taxed and execution issue.

(2) Where the Board directs that the membership of a member shall be suspended or cancelled it may direct that the costs of and incidental to the inquiry be paid by such member and after taxation of such costs by the Taxing Officer of the Supreme Court at Toronto execution may issue out of the Supreme Court for the recovery thereof in like manner as upon a judgment in an action in such Court.

Costs as in Supreme Court action.

(3) The costs to be taxed and allowed under subsection 2 shall, as far as practicable, be the same or the like costs as in an action in the Supreme Court, and the Taxing Officer may also allow such fees and disbursements for work done or proceedings taken before notice of the complaint, as he may deem just.

Rev. Stat., c. 233, s. 20, subs. 1, amended.

4. Subsection 1 of section 20 of *The Architects Act* is repealed and the following substituted therefor:

No action to lie against Board or Council.

(1) No action shall be brought against the Board or the Council or any member or officer thereof for anything done under this Act or under any by-law or regulation passed in accordance therewith, but anyone whose membership has been suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order, and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of a judge of the Supreme Court presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.

Right of appeal.

BILL

An Act respecting the Ontario Association of Architects.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

1938

No. 19

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

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1. This Act may be cited as *The Architects Amendment Act, 1938.*

Rev. Stat., c. 233, s. 18, amended.

2. Subsection 2 of section 18 of *The Architects Act* is repealed and the following substituted therefor:

Holding out as architect defined.

(2) Without restricting the generality of the foregoing, any person who prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing building structure, when such proposed work is to cost more than $5,000, shall be deemed to hold himself out as an architect.

Proviso.

(2*a*) Nothing in this Act shall prevent or be deemed to prevent,—

(*a*) any person from performing his duties in His Majesty's naval, military or aerial service;

(*b*) any member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act* or any employee or person working under the responsibility of such member or licensee, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an engineer.

Rev. Stat., c. 237.

(*c*) any person from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property;

(*d*) a *bona fide* member of an architect's staff from preparing a sketch, drawing or specification in the course of his employment under the supervision of the architect;

(*e*) a *bona fide* building contractor or a *bona fide* member of his staff domiciled in Ontario from preparing a sketch, drawing or specification for his own use as a building contractor in the construction or alteration by himself, or tradesmen employed by him, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor;

(*f*) any person from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety;

(*g*) any person from using the term "Landscape Architect;"

(*h*) any person in the course of his employment under the supervision of or in conjunction with an architect from preparing a sketch, drawing or specification for work to be undertaken by his employer;

(*i*) any person, firm or corporation engaged in the business of selling pre-fabricated building structures from furnishing such drawings, diagrams and directions as are required for the assembling and erection of such structures.

Rev. Stat., c. 233, s. 20, subs. 1, amended.

3. Subsection 1 of section 20 of *The Architects Act* is repealed and the following substituted therefor:

No action to lie against Board or Council.

(1) No action shall be brought against the Board or the Council or any member or officer thereof for anything done under this Act or under any by-law or regulation passed in accordance therewith, but anyone whose membership has been suspended or

Right of appeal.

cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order, and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of a judge of the Supreme Court presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.

BILL

An Act respecting the Ontario Association of Architects.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. STRACHAN

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 19

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

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2. Subsection 2 of section 18 of *The Architects Act* is repealed and the following substituted therefor:

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(2) Without restricting the generality of the foregoing, any person who prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing building structure, when such proposed work is to cost more than $5,000, shall be deemed to hold himself out as an architect.

Proviso.

(2*a*) Nothing in this Act shall prevent or be deemed to prevent,—

(*a*) any person from performing his duties in His Majesty's naval, military or aerial service;

(*b*) any member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act* or any employee or person working under the responsibility of such member or licensee, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an engineer.

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(*c*) any person from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property;

(*d*) a *bona fide* member of an architect's staff from preparing a sketch, drawing or specification in the course of his employment under the supervision of the architect;

(*e*) a *bona fide* building contractor or a *bona fide* member of his staff domiciled in Ontario from preparing a sketch, drawing or specification for his own use as a building contractor in the construction or alteration by himself, or tradesmen employed by him, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor;

(*f*) any person from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety;

(*g*) any person from using the term "Landscape Architect;"

(*h*) any person in the course of his employment under the supervision of or in conjunction with an architect from preparing a sketch, drawing or specification for work to be undertaken by his employer;

(*i*) any person, firm or corporation engaged in the business of selling pre-fabricated building structures from furnishing such drawings, diagrams and directions as are required for the assembling and erection of such structures.

3. Subsection 1 of section 20 of *The Architects Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 20, subs. 1, amended.

(1) No action shall be brought against the Board or the Council or any member or officer thereof for anything done under this Act or under any by-law or regulation passed in accordance therewith, but anyone whose membership has been suspended or No action to lie against Board or Council.

Right of appeal.

cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order, and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of a judge of the Supreme Court presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.

BILL

An Act respecting the Ontario Association of Architects.

1st Reading

March 8th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. STRACHAN

No. 20

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

MR. ELLIOTT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 20 1938

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

Preamble.

WHEREAS The Peterborough Workingmen's Building and Savings Society has by its petition represented that it was incorporated under the provisions of the Act intituled *An Act respecting Building Societies*, being chapter 169 of the Revised Statutes of Ontario, 1887, by declaration filed with the clerk of the peace for the county of Peterborough on the 17th day of January, 1889, and that doubts have arisen as to the power of the corporation to issue shares of terminating or withdrawable stock by reason that the corporation did not enact the by-law annexed to the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, and the corporation has prayed that an Act may be passed to remove the said doubts; to validate and confirm all shares of terminating or withdrawable stock issued by the corporation since the 10th day of September, 1903, and particularly all shares of terminating or withdrawable stock now existing and all by-laws, rules and regulations enacted and made by the corporation relative to the said shares of stock; to authorize and empower the corporation to issue shares of terminating or withdrawable stock; to fix and define the terms and conditions on which the said shares of stock may be issued and withdrawn, and to more clearly define the borrowing powers of the corporation and its powers as to lending to its shareholders upon the security of their stock in the corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Peterborough Workingmen's Building and Savings Society Act, 1938*.

Certain shares validated.

2. Notwithstanding the provisions of section 6 of the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, and the failure of the corporation to comply with the provisions thereof, and

Rev. Stat., c. 257.

notwithstanding the provisions of *The Loan and Trust Corporations Act* or any general or special Act, all shares of terminating or withdrawable stock heretofore issued by the corporation since the 10th day of September, 1903, shall be deemed to have been validly and legally issued, and the said shares of stock and all by-laws, rules and regulations enacted and made by the corporation relative thereto are hereby validated and confirmed.

Status quo of certain shares maintained.

3. Notwithstanding the provisions of subsection 2 of section 2 of the statutory by-law annexed to the Act first mentioned in section 2, all shares of terminating or withdrawable stock heretofore issued by the corporation and now in process of being paid by monthly instalments and all shares of terminating or withdrawable stock that may hereafter be issued by the corporation until the 30th day of June, 1938, shall remain and be shares having a terminating or maturing value of $200 a share, and the said shares may be paid for in monthly instalments of $1 for each share until each of the said shares attains the terminating or maturing value of $200 and notwithstanding that the term which the said shares shall take to mature may exceed ten years.

Issue of certain shares prohibited.

4. On and after the 1st day of July, 1938, the corporation shall not issue any shares of terminating or withdrawable stock requiring periodical payments for the said shares for a term exceeding ten years, but the corporation may issue shares of terminating or withdrawable stock on the terms hereinafter mentioned, and the provisions contained in sections 5 to 13 of this Act shall apply to all shares of terminating or withdrawable stock that may be issued by the corporation on and after the 1st day of July, 1938.

What shares may issue.

5. On and after the 1st day of July, 1938, the corporation may issue terminating or withdrawable shares of stock which may be issued either as instalment shares or as prepaid or fully paid shares, and no terminating or withdrawable shares shall be issued by the corporation other than instalment shares, or prepaid shares, or fully paid shares.

Instalment share defined.

6. Instalment share shall mean a terminating share requiring either that the holder thereof shall pay for the same by a stated number of fixed consecutive weekly or monthly instalments or that the holder thereof shall pay for the same a fixed sum each consecutive week or month after the issue of the share until the total of the weekly or monthly payments for the said share together with the accumulated profits or dividends earned by the said share equals a fixed sum, but in no case shall an instalment share require payments for a term exceeding ten years; when the stated number of payments

have been made for the said share or the share reaches its fixed, terminating or maturing value the holder of the share shall be subject to no further demand or liability whatsoever in respect of the said share.

Prepaid or fully paid share defined.

7. Prepaid or fully paid share shall mean a terminating share requiring the whole consideration for the share to be paid and satisfied by the shareholder at the time of the issue of the share and when the shareholder has paid the whole consideration for the share at the time of its issue he shall be subject to no further demand or liability whatsoever in respect of the said share.

No issue to minors.

8. No share shall be issued or held by a person who is under the age of twenty-one years.

Provisions for withdrawal.

9.—(1) Moneys paid by the shareholder to the corporation on any instalment share issued by the corporation after the 1st day of July, 1938, shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least three years from the issue of the share; provided that at no time shall more than one-half of the funds of the corporation on hand in cash after making full provision for the payment of all shares maturing within the period of six months following the expiration of the said thirty days' notice be applicable to the demands of the shareholder so desiring to withdraw the amount of his share without the consent of the board of directors, and of several shareholders desiring to withdraw, preference shall be given to the shareholder whose notice shall have been first received and the other withdrawing shareholders shall be paid in the order in which their respective applications for withdrawals are received by the corporation.

(2) The words of subsection 1 shall, with the heading "Notice," be clearly printed or stamped in red ink on the face of every application for, and certificate and pass-book of, an instalment share.

(3) Moneys paid by the shareholder to the corporation on any prepaid or any fully paid share issued by the corporation after the 1st day of July, 1938, shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least five years from the issue of the share.

(4) The words of subsection 3 shall, with the heading "Notice," be clearly printed or stamped in red ink on the face of every application for, and certificate and pass-book of, a prepaid or fully paid share.

(5) Any written notice required by this Act to be given for any purpose by the shareholder to the corporation may be given by letter delivered at the head office of the corporation in Ontario, or by prepaid registered post and addressed to the corporation, its secretary or managing officer, at such head office.

Tabular value.

10.—(1) Save as hereinafter provided, the Tables, with the instructions thereto, contained in the Schedule to the Statutory By-law annexed to the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, shall form part of this Act and the value of any terminating share as ascertained by said Schedule, hereinafter called the "tabular value" of the share, is the minimum sum which in the case of a non-borrowing shareholder shall be payable by the corporation to him in money, or in the case of a borrowing shareholder, shall be credited to him on the loan;

Proviso.

provided that nothing contained in this Act shall debar the corporation from paying or crediting to any shareholder by way of interest, profits or dividend a sum greater than, or additional to the said tabular value; or shall disentitle any shareholder, who has not withdrawn and is not in default and has not been paid off, from recovering at the maturity of a share, the maturity value of such share, or from having the said maturity value credited to him on a loan.

When payments to be made.

(2) In the case of any sum payable by the corporation under section 11, or as a tabular value under this Act, the said sum shall be payable within sixty days after the giving by the shareholder of the notice mentioned in section 9, and when a terminating share has matured, the maturity value contracted to be paid to the shareholder shall be deemed to have then accrued due, and shall be payable within sixty days thereafter.

(3) When a holder of a terminating share gives the corporation notice of withdrawal before the maturity of the share, and, in respect of the said share has received payment therefor from the corporation, as prescribed by subsection 2, he shall be deemed to have surrendered the share absolutely to the corporation, and all liability of the corporation upon the said share shall thereupon be deemed fully satisfied and discharged.

Corporation may cancel shares on consent.

(4) The corporation may, with the consent of the shareholder, at any time before the expiration of the times limited by section 9 or section 11, pay off and cancel his shares.

When corporation may cancel shares without consent.

(5) The corporation may, upon thirty days' notice in writing given to the shareholder and without his consent, at any time after the expiration of the respective periods limited by section

9 and section 11, and before the maturity of his shares, satisfy and cancel his shares by paying him within sixty days from the giving of the said notice the tabular value of his shares computed as at the expiration of the said thirty days.

When instalment shareholder may turn in share.

11.—(1) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, the said shareholder, if he is not a borrower from the corporation, and is not in default of any instalment at the date of his notice, shall upon notice given as required by section 9 be entitled to receive in money from the corporation the tabular value of the said share as found from Table A in the Schedule referred to in section 10.

(2) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, but has during some subsequent half-year after the end of the third year fallen into default, such shareholder if he is not a borrower from the corporation shall be entitled to receive in money from the corporation the amount shown in the said Table A as at the last completed half-year, and also to receive back, without interest, the instalments, if any, paid by him during the incomplete half-year.

(3) Where the holder of an instalment share has not paid all the instalments for and during a period of three years, but has paid all the instalments for and during at least six months, the said shareholder, if he is not a borrower from the corporation, shall be entitled, after the expiration of the said three years, to receive in money from the corporation a sum equal to ninety per centum of the principal by him paid upon the said shares.

When holder of prepaid share may turn in share.

(4) The holder of a prepaid share or a fully-paid share, if he is not a borrower from the corporation, shall at any time after the expiration of five years from the issue of the share be entitled to receive in money from the corporation the tabular value of the said share as found from Table B in the Schedule referred to in section 10 less the sums, if any, already paid by the corporation to the holder in respect of the said share.

Liability of corporation discharged.

(5) Where the corporation has in terms of this Act paid to the shareholder the withdrawal value of his share, the corporation shall in every case be deemed to have satisfied and discharged all its liability in respect of the said share, and the share shall be deemed to be cancelled.

Where loan made.

12.—(1) Where the corporation has made a loan upon the sole security of terminating shares of the corporation the unpaid amount of the principal loaned and of the stipulated

interest earned thereon shall be deducted from the tabular value of the shares.

(2) Where the loan is made on the security in part, whether such security is direct or collateral, of any terminating share of the corporation, the shareholder shall, at any time after the issue of the share and without giving notice, be credited on any statement of his loan account with the value of his share computed under the provisions of this Act up to the date of the said statement, as if he were a non-borrowing shareholder giving and entitled to give withdrawal notice of that date.

Winding up.

13. In the event that at any time, though the corporation may be solvent as respects creditors, the board of directors of the corporation has passed a resolution to the effect that it has been proved to its satisfaction that the corporation cannot pay to the holders of all the terminating shares issued by the corporation the tabular values of all the said shares as shown in Table A and Table B in the Schedule referred to in section 10, and that it is advisable to wind up the corporation, the corporation may be wound up voluntarily under the winding up provisions of *The Companies Act*, and the assets of the corporation upon such voluntary winding up shall be applied in satisfaction of all its liabilities and subject thereto shall be distributed rateably among the shareholders according to their rights and interests in the corporation.

Rev. Stat., c. 251.

Power to borrow money.

14. The corporation by its proper officers shall have power to borrow money from any person, firm or corporation, including chartered banks, and as security for any moneys borrowed may mortgage, hypothecate or otherwise charge or pledge its real or personal property and assets, or may give its promissory note or other instrument of security therefor, and the persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys, or any part thereof, provided that the aggregate of all moneys borrowed by the corporation at any one time shall not exceed the sum of $25,000 and that the said corporation may not borrow money by taking deposits or issuing debentures, debenture stock or like obligations.

Power to lend money to shareholders.

15.—(1) The corporation may lend money to any shareholder of the corporation upon the sole security of his stock in the corporation, provided however, that the aggregate of all such loans at any one time shall not exceed ten per centum of the combined paid-in capital and surplus of the corporation, and no such loan shall exceed eighty per centum of the value of the stock pledged as security therefor, based upon the tabular values shown in the Schedule referred to in section 10, and, notwithstanding the provisions of sections 38 and 39 of *The*

Rev. Stat., c. 257.

Loan and Trust Corporations Act, the corporation shall not, except in the manner provided in this section, lend money on its shares with or without collateral security.

(2) The corporation in loaning money to any shareholder on the security of a mortgage or other charge on real estate may accept from such shareholder a transfer or assignment of his shares in the corporation as collateral security for the said mortgage loan.

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

1st Reading

2nd Reading

3rd Reading

MR. ELLIOTT

(*Private Bill*)

1938

No. 20

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

MR. ELLIOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 20 1938

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

Preamble.

WHEREAS The Peterborough Workingmen's Building and Savings Society has by its petition represented that it was incorporated under the provisions of the Act intituled *An Act respecting Building Societies*, being chapter 169 of the Revised Statutes of Ontario, 1887, by declaration filed with the clerk of the peace for the county of Peterborough on the 17th day of January, 1889, that the corporation has since the date of its incorporation carried on the purposes for which it was incorporated and that it is presently registered as a loan corporation having terminating stock under the provisions of *The Loan and Trust Corporations Act*, and that doubts have arisen as to the power of the corporation to issue shares of terminating or withdrawable stock by reason that the corporation did not enact the by-law annexed to the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, and the corporation has prayed that an Act may be passed to remove the said doubts; to validate and confirm all shares of terminating or withdrawable stock issued by the corporation since the 10th day of September, 1903, and particularly all shares of terminating or withdrawable stock now existing and all by-laws, rules and regulations enacted and made by the corporation relative to the said shares of stock; to authorize and empower the corporation to issue shares of terminating or withdrawable stock; to fix and define the terms and conditions on which the said shares of stock may be issued and withdrawn, and to more clearly define the borrowing powers of the corporation and its powers as to lending to its shareholders upon the security of their stock in the corporation; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat., c. 257.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Peterborough Workingmen's Building and Savings Society Act, 1938.*

Certain shares validated.

2. Notwithstanding the provisions of section 6 of the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, and the failure of the corporation to comply with the provisions thereof, and notwithstanding the provisions of *The Loan and Trust Corporations Act* or any general or special Act, all shares of terminating or withdrawable stock heretofore issued by the corporation since the 10th day of September, 1903, shall be deemed to have been validly and legally issued, and the said shares of stock and all by-laws, rules and regulations enacted and made by the corporation relative thereto are hereby validated and confirmed.

Rev. Stat., c. 257.

Status quo of certain shares maintained.

3. Notwithstanding the provisions of subsection 2 of section 2 of the statutory by-law annexed to the Act first mentioned in section 2, and of section 6 of the said Act, all shares of terminating or withdrawable stock heretofore issued by the corporation and now in process of being paid by monthly instalments and all shares of terminating or withdrawable stock that may hereafter be issued by the corporation until the 30th day of June, 1938, shall remain and be shares having a terminating or maturing value of $200 a share, and the said shares may be issued by the corporation and paid for by the respective holders thereof in monthly instalments of $1 for each share until each of the said shares attains the terminating or maturing value of $200 notwithstanding that the term which the said shares shall take to mature may exceed ten years.

Issue of certain shares prohibited.

4. On and after the 1st day of July, 1938, the corporation shall not issue any shares of terminating or withdrawable stock requiring periodical payments for the said shares for a term exceeding ten years, but the corporation may issue shares of terminating or withdrawable stock on the terms hereinafter mentioned, and the provisions contained in sections 5 to 13 of this Act shall apply to all shares of terminating or withdrawable stock that may be issued by the corporation on and after the 1st day of July, 1938.

What shares may issue.

5. On and after the 1st day of July, 1938, the corporation may issue terminating or withdrawable shares of stock which may be issued either as instalment shares or as prepaid or fully paid shares, and no terminating or withdrawable shares shall be issued by the corporation other than instalment shares, or prepaid shares, or fully paid shares.

Instalment share defined.

6. Instalment share shall mean a terminating share requiring either that the holder thereof shall pay for the same by a stated number of fixed consecutive weekly or monthly instalments or that the holder thereof shall pay for the same a fixed

sum each consecutive week or month after the issue of the share until the total of the weekly or monthly payments for the said share together with the accumulated profits or dividends earned by the said share equals a fixed sum, but in no case shall an instalment share require payments for a term exceeding ten years; when the stated number of payments have been made for the said share or the share reaches its fixed, terminating or maturing value the holder of the share shall be subject to no further demand or liability whatsoever in respect of the said share.

Prepaid or fully paid share defined.

7. Prepaid or fully paid share shall mean a terminating share requiring the whole consideration for the share to be paid and satisfied by the shareholder at the time of the issue of the share and when the shareholder has paid the whole consideration for the share at the time of its issue he shall be subject to no further demand or liability whatsoever in respect of the said share.

No issue to minors.

8. No share shall be issued to or held by a person who is under the age of twenty-one years.

Provisions for withdrawal.

9.—(1) Moneys paid by the shareholder to the corporation on any instalment share issued by the corporation after the 1st day of July, 1938, shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least three years from the issue of the share; provided that withdrawal of moneys paid on instalment or other shares of the corporation may be made only on such terms and conditions as are provided by its by-laws.

(2) The words of subsection 1 shall, with the heading "Notice," be clearly printed or stamped in red ink on the face of every application for, and certificate and pass-book of, an instalment share.

(3) Moneys paid by the shareholder to the corporation on any prepaid or any fully paid share issued by the corporation after the 1st day of July, 1938, shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least five years from the issue of the share.

(4) The words of subsection 3 shall, with the heading "Notice," be clearly printed or stamped in red ink on the face of every application for, and certificate of, a prepaid or fully paid share.

(5) Any written notice required by this Act to be given for any purpose by the shareholder to the corporation may be given by letter delivered at the head office of the corporation in Ontario, or by prepaid registered post and addressed to the corporation, its secretary or managing officer, at such head office.

Tabular value.

10.—(1) Save as provided by section 13, the Tables, with the instructions thereto, contained in the Schedule to the Statutory By-law annexed to the Act intituled *An Act to amend The Loan Corporations Act*, being chapter 17 of the Statutes of Ontario, 1904, shall form part of this Act and the value of any terminating share as ascertained by said Schedule, hereinafter called the "tabular value" of the share, is the minimum sum which in the case of a non-borrowing shareholder shall be payable by the corporation to him in money, or in the case of a borrowing shareholder, shall be credited to him on the loan; provided that nothing contained in this Act shall debar the corporation from paying or crediting to any shareholder by way of interest, profits or dividend a sum greater than, or additional to the said tabular value; or shall disentitle any shareholder, who has not withdrawn and is not in default and has not been paid off, from recovering at the maturity of a share, the maturity value of such share, or from having the said maturity value credited to him on a loan.

Proviso.

When payments to be made.

(2) In the case of any sum payable by the corporation under section 11, or as a tabular value under this Act, the said sum shall be payable within sixty days after the giving by the shareholder of the notice mentioned in section 9, and when a terminating share has matured, the maturity value contracted to be paid to the shareholder shall be deemed to have then accrued due, and shall be payable within sixty days thereafter.

(3) When a holder of a terminating share gives the corporation notice of withdrawal before the maturity of the share, and, in respect of the said share has received payment therefor from the corporation, as prescribed by subsection 2, he shall be deemed to have surrendered the share absolutely to the corporation, and all liability of the corporation upon the said share shall thereupon be deemed fully satisfied and discharged.

Corporation may cancel shares on consent.

(4) The corporation may, with the consent of the shareholder, at any time before the expiration of the times limited by section 9 or section 11, pay off and cancel his shares.

When corporation may cancel shares without consent.

(5) The corporation may, upon thirty days' notice in writing given to the shareholder and without his consent, at any time after the expiration of the respective periods limited by section

9 and section 11, and before the maturity of his shares, satisfy and cancel his shares by paying him within sixty days from the giving of the said notice the tabular value of his shares computed as at the expiration of the said thirty days.

When instalment shareholder may turn in share.

11.—(1) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, the said shareholder, if he is not a borrower from the corporation, and is not in default of any instalment at the date of his notice, shall upon notice given as required by section 9 be entitled to receive in money from the corporation the tabular value of the said share as found from Table A in the Schedule referred to in section 10.

(2) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, but has during some subsequent half-year after the end of the third year fallen into default, such shareholder if he is not a borrower from the corporation shall be entitled to receive in money from the corporation the amount shown in the said Table A as at the last completed half-year, and also to receive back, without interest, the instalments, if any, paid by him during the incomplete half-year.

(3) Where the holder of an instalment share has not paid all the instalments for and during a period of three years, but has paid all the instalments for and during at least six months, the said shareholder, if he is not a borrower from the corporation, shall be entitled, after the expiration of the said three years, to receive in money from the corporation a sum equal to ninety per centum of the principal by him paid upon the said shares.

When holder of prepaid share may turn in share.

(4) The holder of a prepaid share or a fully-paid share, if he is not a borrower from the corporation, shall at any time after the expiration of five years from the issue of the share be entitled to receive in money from the corporation the tabular value of the said share as found from Table B in the Schedule referred to in section 10 less the sums, if any, already paid by the corporation to the holder in respect of the said share.

Liability of corporation discharged.

(5) Where the corporation has in terms of this Act paid to the shareholder the withdrawal value of his share, the corporation shall in every case be deemed to have satisfied and discharged all its liability in respect of the said share, and the share shall be deemed to be cancelled.

Where loan made.

12.—(1) Where the corporation has made a loan upon the sole security of terminating shares of the corporation the unpaid amount of the principal loaned and of the stipulated

interest earned thereon shall be deducted from the tabular value of the shares.

(2) Where the loan is made on the security in part, whether such security is direct or collateral, of any terminating share of the corporation, the shareholder shall, at any time after the issue of the share and without giving notice, be credited on any statement of his loan account with the value of his share computed under the provisions of this Act up to the date of the said statement, as if he were a non-borrowing shareholder giving and entitled to give withdrawal notice of that date.

Winding up.

13. In the event that at any time, though the corporation may be solvent as respects creditors, the board of directors of the corporation has passed a resolution to the effect that it has been proved to its satisfaction that the corporation cannot pay to the holders of all the terminating shares issued by the corporation the tabular values of all the said shares as shown in Table A and Table B in the Schedule referred to in section 10, and that it is advisable to wind up the corporation, the corporation may be wound up voluntarily under the winding up provisions of *The Companies Act*, and the assets of the corporation upon such voluntary winding up shall be applied in satisfaction of all its liabilities and subject thereto shall be distributed rateably among the shareholders according to their rights and interests in the corporation.

Rev. Stat., c. 251.

Power to borrow money.

14. The corporation by its proper officers shall have power to borrow money from any person, firm or corporation, including chartered banks, and as security for any moneys borrowed may mortgage, hypothecate or otherwise charge or pledge bonds and debentures owned by it, or may give its promissory note or other instrument of security therefor, and the persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the corporation shall not be obliged to see to the application of the said moneys, or any part thereof, provided that the aggregate of all moneys borrowed by the corporation at any one time shall not exceed eighty per centum of the value of all bonds and debentures owned by the corporation and that the said corporation may not borrow money by taking deposits or issuing debentures, debenture stock or like obligations.

Power to lend money to shareholders.

15.—(1) The corporation may lend money to any shareholder of the corporation upon the sole security of his stock in the corporation not otherwise pledged to or held as security by the corporation, provided however, that the aggregate of all such loans at any one time shall not exceed ten per centum of the combined paid-in capital and surplus of the corporation, and no such loan shall exceed eighty per

centum of the value of the stock pledged as security therefor, based upon the tabular values shown in the Schedule referred to in section 10, and, notwithstanding the provisions of sections 38 and 39 of *The Loan and Trust Corporations Act*, the corporation shall not, except in the manner provided in this section, lend money on its shares with or without collateral security.

Rev. Stat., c. 257.

(2) The corporation in loaning money to any shareholder on the security of a mortgage or other charge on real estate may accept from such shareholder a transfer or assignment of his shares in the corporation as collateral security for the said mortgage loan.

No. 20

BILL

An Act respecting The Peterborough Workingmen's Building and Savings Society.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. ELLIOTT

1938

No. 21

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Galt.

MR. SMITH

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 21 1938

BILL

An Act respecting the City of Galt.

Preamble. WHEREAS, the corporation of the city of Galt has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Galt Act, 1938*.

1906, c. 74, repealed. **2.** The Act passed in the 6th year of the reign of His late Majesty King Edward VII, chaptered 74, respecting the Town of Galt, is repealed.

Rights and liabilities preserved. **3.** Nothing herein contained shall affect the validity of anything done pursuant to the provisions of the said Act respecting the Town of Galt or affect any right or liability created thereunder.

BILL

An Act respecting the City of Galt.

1st Reading

2nd Reading

3rd Reading

MR. SMITH

(*Private Bill*)

1938

No. 21

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Galt.

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BILL

An Act respecting the City of Galt.

Preamble.

WHEREAS, the corporation of the city of Galt has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Galt Act, 1938.*

1906, c. 74, repealed.

2. The Act passed in the 6th year of the reign of His late Majesty King Edward VII, chaptered 74, respecting the Town of Galt, is repealed.

Rights and liabilities preserved.

3. Nothing herein contained shall affect the validity of anything done pursuant to the provisions of the said Act respecting the Town of Galt or affect any right or liability created thereunder.

BILL

An Act respecting the City of Galt.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. SMITH

1938

No. 22

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the City of Kitchener.

Mr. Smith

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 22 1938

BILL

An Act respecting the City of Kitchener.

Preamble.

WHEREAS the corporation of the city of Kitchener has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Kitchener Act, 1938.*

Amendment of certain by-laws re Westmount subdivision and Belmont Blvd.

2.—(1) Subject to the approval of the Ontario Municipal Board and within the limitations and restrictions and under the conditions prescribed by the order of such Board, the council of the corporation of the city of Kitchener may pass a by-law or by-laws to amend construction by-laws numbered 2272, 2289, 2316, 2331, as amended by by-law numbered 2477, and by-laws numbered 2334, 2488, 2492, 2514, as amended by by-law numbered 2598, and debenture by-laws numbered 2482, 2483, 2599, 2600 and 2601 of the corporation relating to local improvements in and on the Westmount subdivision and Belmont boulevard, by varying the portion of the cost of such local improvements specially assessed upon the lots abutting directly on the works and the portion of the cost thereof to be paid by the corporation, and by varying the number of instalments by which such special assessments shall be paid.

Retroactive effect.

(2) Such amending by-law or by-laws shall have effect from the 1st day of January, 1938.

Collector's rolls to be revised.

(3) Upon the passing of such amending by-law or by-laws the collector's rolls of the corporation shall be amended and revised in accordance therewith.

BILL

An Act respecting the City of Kitchener.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR SMITH

(*Private Bill*)

1938

No. 22

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Collector's rolls to be revised. (3) Upon the passing of such amending by-law or by-laws the collector's rolls of the corporation shall be amended and revised in accordance therewith.

BILL

An Act respecting the City of Kitchener.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR SMITH

1938

No. 23

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Mulholland Cairn.

MR. HENRY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 23 1938

BILL

An Act respecting the Mulholland Cairn.

Preamble. WHEREAS George William Henry, Gentleman, William Perkins Bull, one of His Majesty's Counsel learned in the law, and Donald Badgerow Mulholland, a Solicitor of the Supreme Court of Ontario and a Barrister-at-Law, all of the County of York, have by their petition prayed for special legislation in respect to the matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mulholland Cairn Act, 1938.*

Mulholland Cairn Board of Trustees constituted. **2.** The said George William Henry, William Perkins Bull, and Donald Badgerow Mulholland, and such other persons as hereinafter provided, are hereby constituted a body corporate and politic under the name of The Mulholland Cairn Board of Trustees, hereinafter called the Board, for the purpose of providing for the proper care and maintenance of the Mulholland Cairn situate on the north east corner of the east half of lot 15, concession 3 east of Yonge street, in the township of North York, and to commemorate Henry Mulholland, native of Clones County, Monaghan, Ireland, who, with his wife Jane Armstrong, emigrated to Canada in the year 1806 and settled on the said land in the township of North York, and his descendants.

Constitution of Board. **3.**—(1) The Board shall consist of eight persons, namely, the said George William Henry, William Perkins Bull, Donald Badgerow Mulholland, and five other persons to be appointed by them.

(2) In the event of any vacancy on the Board through death or otherwise, the Board shall forthwith fill the vacancy by a new appointment.

Property to vest in Board. **4.** All property, both real and personal, held in trust for the Board shall vest in the Board and be administered for the purposes aforesaid.

Power to hold property.

5. For the purposes aforesaid, the Board shall have power to purchase, acquire and hold property, both real and personal.

Board may establish endowment fund.

6. The Board may establish an endowment fund for the purpose of promoting and extending the aims and objects of the corporation, and for such purpose may obtain, hold and deal with subscriptions, donations and bequests in such manner as the Board may deem advisable.

Board may lend and invest moneys.

7. The Board may lend money upon the security of real estate and may invest its funds in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario.

Where municipality may provide for maintenance.

8. If the owner of the plot on which the said Cairn is situate cannot be found or is unknown, or refuses or neglects to properly maintain it, the council of the local municipality in which it is situate may provide for its maintenance by constituting a board of trustees as in this Act provided or in such other manner as such council may deem advisable.

Plot not to be entered upon or expropriated.

9. Subject to the provisions of section 8, the plot on which the said Cairn is situate shall not be liable to be entered upon, used or taken by any municipality or other corporation, or by any person possessing the right of taking land compulsorily, and no power to expropriate land hereinafter conferred shall extend to such plot, unless in the Act conferring such power it is made in express terms to apply thereto.

No. 23

BILL

An Act respecting Mulholland Cairn.

1st Reading

2nd Reading

3rd Reading

MR. HENRY

(*Private Bill*)

1938

No. 23

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Mulholland Cairn.

MR. HENRY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
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No. 23 1938

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Constitution of Board. **3.**—(1) The Board shall consist of eight persons, namely, the said George William Henry, William Perkins Bull, Donald Badgerow Mulholland, and five other persons to be appointed by them.

(2) In the event of any vacancy on the Board through death or otherwise, the Board shall forthwith fill the vacancy by a new appointment.

Property to vest in Board. **4.** All property, both real and personal, held in trust for the Board shall vest in the Board and be administered for the purposes aforesaid.

Power to hold property.

5. For the purposes aforesaid, the Board shall have power to purchase, acquire and hold property, both real and personal.

Board may establish endowment fund.

6. The Board may establish an endowment fund for the purpose of promoting and extending the aims and objects of the corporation, and for such purpose may obtain, hold and deal with subscriptions, donations and bequests in such manner as the Board may deem advisable.

Board may lend and invest moneys.

7. The Board may lend money upon the security of real estate and may invest its funds in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario.

Where municipality may provide for maintenance.

8. If the Board ceases to exist or if there be more than three vacancies on the Board which the Board shall fail to fill within one year from the time the fourth vacancy occurs, then the council of the local municipality in which the said Cairn is situate may fill the vacancies or reconstitute the Board.

Plot not to be entered upon or expropriated.

9. Subject to the provisions of section 8, the plot on which the said Cairn is situate shall not be liable to be entered upon, used or taken by any municipality or other corporation, or by any person possessing the right of taking land compulsorily, and no power to expropriate land hereinafter conferred shall extend to such plot, unless in the Act conferring such power it is made in express terms to apply thereto.

NO. 23

BILL

An Act respecting Mulholland Cairn.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. HENRY

(*Reprinted as amended by the Committee on Private Bills.*)

No. 23

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Mulholland Cairn.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 23 1938

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An Act respecting the Mulholland Cairn.

Preamble. WHEREAS George William Henry, Gentleman, William Perkins Bull, one of His Majesty's Counsel learned in the law, and Donald Badgerow Mulholland, a Solicitor of the Supreme Court of Ontario and a Barrister-at-Law, all of the County of York, have by their petition prayed for special legislation in respect to the matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mulholland Cairn Act, 1938.*

Mulholland Cairn Board of Trustees constituted. **2.** The said George William Henry, William Perkins Bull, and Donald Badgerow Mulholland, and such other persons as hereinafter provided, are hereby constituted a body corporate and politic under the name of The Mulholland Cairn Board of Trustees, hereinafter called the Board, for the purpose of providing for the proper care and maintenance of the Mulholland Cairn situate on the north east corner of the east half of lot 15, concession 3 east of Yonge street, in the township of North York, and to commemorate Henry Mulholland, native of Clones County, Monaghan, Ireland, who, with his wife Jane Armstrong, emigrated to Canada in the year 1806 and settled on the said land in the township of North York, and his descendants.

Constitution of Board. **3.**—(1) The Board shall consist of eight persons, namely, the said George William Henry, William Perkins Bull, Donald Badgerow Mulholland, and five other persons to be appointed by them.

(2) In the event of any vacancy on the Board through death or otherwise, the Board shall forthwith fill the vacancy by a new appointment.

Property to vest in Board. **4.** All property, both real and personal, held in trust for the Board shall vest in the Board and be administered for the purposes aforesaid.

Power to hold property.

5. For the purposes aforesaid, the Board shall have power to purchase, acquire and hold property, both real and personal.

Board may establish endowment fund.

6. The Board may establish an endowment fund for the purpose of promoting and extending the aims and objects of the corporation, and for such purpose may obtain, hold and deal with subscriptions, donations and bequests in such manner as the Board may deem advisable.

Board may lend and invest moneys.

7. The Board may lend money upon the security of real estate and may invest its funds in all such securities as trustees are permitted to invest in under the laws of the Province of Ontario.

Where municipality may provide for maintenance.

8. If the Board ceases to exist or if there be more than three vacancies on the Board which the Board shall fail to fill within one year from the time the fourth vacancy occurs, then the council of the local municipality in which the said Cairn is situate may fill the vacancies or reconstitute the Board.

Plot not to be entered upon or expropriated.

9. Subject to the provisions of section 8, the plot on which the said Cairn is situate shall not be liable to be entered upon, used or taken by any municipality or other corporation, or by any person possessing the right of taking land compulsorily, and no power to expropriate land hereinafter conferred shall extend to such plot, unless in the Act conferring such power it is made in express terms to apply thereto.

BILL

An Act respecting Mulholland Cairn.

1st Reading

March 15th, 1938

2nd Reading

March 23rd, 1938

3rd Reading

March 28th, 1938

MR. HENRY

1938

No. 24

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Elsie P. Williams Estate.

Mr. Duncan

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 24 1938

BILL

An Act respecting the Elsie P. Williams Estate.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect of the estate of Elsie P. Williams, late of the city of London in the county of Middlesex, widow, and of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Elsie P. Williams Estate Act, 1938.*

Minutes of settlement confirmed.

2. The minutes of settlement bearing date the 5th day of November, 1937, set forth in Schedule A hereto, are hereby confirmed and declared to be legal, valid and binding on the plaintiff and the defendants and all persons referred to in the said minutes of settlement, and without restricting the generality of the foregoing the said minutes of settlement are hereby declared to be legal, valid and binding on such defendants referred to in the said minutes of settlement as have failed or refused to sign the said minutes of settlement in the same manner and to the same extent as if such defendants had signed and executed the said minutes of settlement and had agreed to the terms and provisions thereof.

City of London authorized to carry out settlement.

3. The council of the said corporation is hereby authorized and empowered to pass such by-laws and enter into such agreements and do such other acts, matters and things as may be deemed necessary by the said council for the full and proper carrying out of the said minutes of settlement.

Assets to vest in city of London.

4. Subject to the approval of the Lieutenant-Governor in Council and the terms of the said minutes of settlement, the assets of the said estate of Elsie P. Williams, including the assets and funds over which the said Elsie P. Williams was given power of appointment under the terms of the will of Daniel S. Perrin and all securities and accumulations

thereof, are hereby vested without any further act, conveyance, transfer, deed or assurance in the said corporation, and the said corporation is hereby empowered to take over and obtain possession or control of all such assets, funds, securities and accumulations thereof.

Powers of executors to vest in city of London.

5. Upon the approval of the Lieutenant-Governor in Council, mentioned in section 4, being obtained, the rights, duties, powers, discretions and obligations of the executors and trustees of the said estate of Elsie P. Williams, namely, Thomas Graves Meredith and Talbot Macbeth, and their successors and nominees in office, shall vest in the said corporation and the said executors and trustees shall upon passing their accounts, as hereinafter provided, assign, transfer, set over and deliver unto the said corporation possession and control of all books, documents, records, securities, moneys and all assets and things belonging to the said estate of Elsie P. Williams, including all books, documents, records, securities, moneys and all assets and funds and things relating to or over which the said Elsie P. Williams was given power of appointment under the terms of the will of Daniel S. Perrin.

Executors' accounts to be passed.

6. The accounts of the said executors and trustees shall be brought in, audited and passed before the surrogate judge of the county of Middlesex on such day as he may appoint upon application therefor by the said executors or the said corporation, and such sum as may be awarded thereon shall be paid to the said executors and trustees by the said corporation out of the said estate of Elsie P. Williams.

Trust fund to be established.

7. The council of the said corporation shall pass a by-law to set aside and establish out of the assets of the said estate of Elsie P. Williams including the assets and funds over which the said Elsie P. Williams was given power of appointment under the terms of the will of Daniel S. Perrin, and all securities and accumulations thereof, a trust fund of $250,000 for the upkeep and maintenance of the premises known as "Windermere," and the grounds connected therewith as a public park and museum, and to provide for the maintenance of such persons and objects as are referred to in the said will and codicils of the said Elsie P. Williams.

Council to pay bequests.

8. The council of the said corporation shall forthwith pay such of the legacies and bequests as have not been paid and which are set forth and enumerated in the said last will and testament of the said Elsie P. Williams and the codicils thereto, including the bequest in favour of Bessie Gay, who shall be entitled to the same bequest given to the other servants by the last paragraph of clause 1 of the said will of the said Elsie P. Williams, and shall forthwith pay such

other sums of money and costs as provided in the said minutes of settlement.

Rights of Ursuline Religious to vest in city of London.

9. The right, title and interest of every nature or kind which the Ursuline Religious of the Diocese of London may have or claim to have under the terms of the said last will and testament and the codicils thereto of the said Elsie P. Williams, shall vest in the said corporation as provided in the said minutes of settlement.

Direction as to balance of estate.

10. The said corporation is hereby authorized to use, hold and dispose of the balance of the said estate of Elsie P. Williams including the assets and funds over which the said Elsie P. Williams was given the power of appointment under the terms of the will of the said Daniel S. Perrin, and all securities and accumulations thereof, for the purpose of creating a memorial or memorials to the said Elsie P. Williams by the erection and equipment of a public library, museum, art gallery or hospital, or any additions thereto or maintenance thereof, or for any one or more of such purposes.

SCHEDULE A.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

MARY RYAN,

PLAINTIFF

—and—

THOMAS GRAVES MEREDITH and TALBOT MACBETH, Executors of the last Will and Testament of Daniel S. Perrin, and Executors of the last Will and Testament of Elsie P. Williams, HARRIET KESTLE (or CORBETT), THE CORPORATION OF THE CITY OF LONDON, and THE URSULINE RELIGIOUS OF THE DIOCESE OF LONDON in Ontario, for Brescia Hall, FINDLEY E. PERRIN, MRS. LOOMIS MINOTT (formerly Jessie Mumbrue), MRS. MAUDE PALMER, MRS. CHARLES CRAIG, VICTOR MUMBRUE, DANIEL MUMBRUE, JANE ELLIS, THOMAS W. MCFARLAND, TALBOT MACBETH, THOMAS G. MEREDITH, STANLEY MEREDITH, REDMOND MEREDITH, WILLIAM KENNEY, MARY GOWDY, WILLIAM GAY, BESSIE GAY, FREDERICK RUSSELL, and THE HUMANE SOCIETY OF THE CITY OF LONDON,

DEFENDANTS.

MINUTES OF SETTLEMENT

THIS ACTION is settled as follows:

1. The Plaintiff and the Defendant Victor Mumbrue withdraw all allegations of undue influence and lack of testamentary capacity set forth and enumerated in the Statement of Claim, and all parties hereto abandon all claims to set aside the power of appointment which it is alleged the late Elsie P. Williams failed to exercise by the terms of her last Will and Testament bearing date the 15th day of July, 1932, and the Codicils thereto bearing date the 14th day of April, 1934, and the 18th day of May, 1934, respectively, and all parties hereto consent to the said Will and the Codicils thereto standing as the last Will and Testament of the said Elsie P. Williams, subject to the provisions hereinafter contained.

2. The Defendant The Corporation of the City of London, the Plaintiff, and the Defendant Victor Mumbrue, consent and agree to all the legacies and bequests set forth and enumerated in the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and to the payment of the same, and to all the provisions in the said Will of the said Elsie P. Williams and the Codicils thereto in favour of any Defendant to this action including the defendant Bessie Gay who shall be entitled to the same bequest given to other servants by the last paragraph of Clause 1 of the said last Will of the said deceased.

3. The Defendant The Ursuline Religious of the Diocese of London in Ontario, hereby agrees to assign, transfer and set over to the defendant The Corporation of the City of London all right, title and interest of every nature or kind which is given to it under the terms of the said last Will and Testament and the Codicils thereto of the said Elsie P. Williams, subject to the enactment of the legislation hereinafter referred to and payment of the monies provided in the next succeeding paragraphs.

4. The Defendant The Corporation of the City of London agrees to pay—

(*a*) To the Plaintiff and the following Defendants, namely, Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, and Findley E. Perrin, a total amount of $175,000.00 payable as hereinafter mentioned.

(*b*) To the Defendant The Ursuline Religious of the Diocese of London in Ontario, the sum of $100,000.00, payable as hereinafter mentioned, for all rights granted to it under the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and for an assignment to the said Defendant The Corporation of the City of London of the rights granted to the said Defendant The Ursuline Religious of the Diocese of London in Ontario, under the terms of the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto: and

(*c*) To pay to Isabel Butler, Isabel Ware, Beatrice Reid, John E. Middleton, Rosemary Shuttleworth and Rita Stevenson, Legatees mentioned under the Will of the said Elsie P. Williams, bearing date the 8th day of February, 1927, and referred to in the pleadings of this action, a total of $12,000.00 payable in proportion to the amount bequeathed to each of them under the said Will of the 8th day of February, 1927.

5. The amounts hereby agreed to be paid by The Corporation of the City of London shall be payable as soon as the said The Corporation of the City of London has applied for and obtained an Act of the Legislature of the Province of Ontario empowering it to take over from the Defendants, Thomas Graves Meredith and Talbot Macbeth, the Estate of the said Elsie P. Williams, and all the assets thereof, including the fund of the Daniel S. Perrin Estate over which the said Elsie P. Williams was given a power of appointment under the Will of the said Daniel S. Perrin, and all securities and accumulations thereof, and has, pursuant to the provisions of the said Act, obtained possession or control of the said Estate to enable it to make such payments from the assets of the said Estate.

6. This action to be adjourned until such application by The Corporation of the City of London has been disposed of by the Ontario Legislature.

7. The Defendant The Corporation of the City of London shall make application at the next Sittings of the Ontario Legislature for an Act validating this settlement, and such application shall provide for the setting aside of a trust fund of $250,000.00 for the upkeep and maintenance of Windermere and the grounds connected therewith as a public park and museum, and such application shall provide that the balance of the said Estate, after making provision for the payments herein mentioned, shall be used by the Defendant The Corporation of the City of London to create a memorial or memorials to the deceased by the erection and equipment of a public library, museum-art gallery-park-hospital-or any additions thereto or maintenance thereof, or for any one or more of such purposes.

8. In the event of the application for such Act being refused, all proposals herein contained and agreed to by the parties executing these Minutes of Settlement shall automatically become null and void and of no further effect and this action shall proceed to trial at the next Sittings of this Honourable Court commencing after the date of the hearing and disposition of the said application for said Act. In the event of the application of the Defendant The Corporation of the City of London for said Act being granted, this action shall be dismissed with such costs payable to such parties as are hereinafter provided by Clause 11 hereof.

9. The Defendant, The Corporation of the City of London, in making application for the said Act, shall provide in said application for the vesting in the said Defendant The Corporation of the City of London of the entire Estate of the said Elsie P. Williams, including the trust fund over which the said Elsie P. Williams was given power of appointment under the terms of the Will of the said Daniel S. Perrin deceased, and all discretions, rights and powers of the Defendants Thomas Graves Meredith and Talbot Macbeth, as Executors and Trustees of the estate of the said Elsie P. Williams, and their successors and nominees.

10. The application for the said Act shall also provide for the audit and passing of accounts of the Defendants, Thomas Graves Meredith

and Talbot Macbeth or their nominees or successors, in their capacity as Executors and Trustees of the estate of the said Elsie P. Williams, and the said Defendants shall be entitled as such Executors and Trustees to such fair and reasonable compensation as may be awarded to them by the Surrogate Judge of the County of Middlesex on the auditing of such accounts, and the amounts so allowed shall be paid to them out of the Estate of the said Elsie P. Williams.

11. The costs of the Defendants Thomas Graves Meredith and Talbot Macbeth and the parties to this action (other than the Plaintiff and the Defendants Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, Findley E. Perrin and The Ursuline Religious of the Diocese of London) shall be payable out of the Estate of the said Elsie P. Williams; the costs of the Defendants Thomas Graves Meredith and Talbot Macbeth as Executors and the costs of the Defendant The Corporation of the City of London shall be payable on a solicitor and client basis; the costs of The Corporation of the City of London of and incidental to applying for and obtaining the said Act of the Ontario Legislature shall also be paid out of the said Estate on a solicitor and client basis.

Dated at London, Ontario, this 5th day of November, A.D. 1937.

"Braden & McAlister,"
Solicitor for the Plaintiff.

"J. I. Hodgins,"
Solicitor for the Defendant
The Corporation of the City of London.

"Murphy, LeBel & Durdin,"
Solicitors for the Defendant
The Ursuline Religious of the Diocese of London in Ontario, for Brescia Hall.

"Craig McKay,"
Solicitor for the Defendant
Findley E. Perrin.

"C. C. Carrothers,"
Solicitor for the Defendants
Mrs. Loomis Minott, Mrs. Maude Palmer, Mrs. Charles Craig and Daniel Mumbrue.

"Alex. Fergusson,"
Solicitor for the Defendant
Victor Mumbrue.

"G. N. Weekes,"
Solicitor for the Defendants
William Gay and Bessie Gay.

"G. A. P. Brickenden & Co.",
Solicitor for the Defendant
Frederick Russell.

.....
Official Guardian, Solicitor for the Defendant
Jane Ellis.

No. 24

BILL

An Act respecting the Elsie P. Williams Estate.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

1938

No. 24

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

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An Act respecting the Elsie P. Williams Estate.

Preamble.

WHEREAS Elsie P. Williams, of the township of London in the county of Middlesex, widow, died on or about the 3rd day of June, 1934, having first made and published her last will and testament bearing date the 15th day of July, 1932, and certain codicils thereto bearing date the 14th day of April, 1934, and the 18th day of May, 1934, respectively; and whereas the said Elsie P. Williams, after making provision for payment of certain legacies and bequests directed by her will that all her estate including the estate of Daniel S. Perrin over which she had a power of appointment, be given to her executors and trustees upon trust to convert the same into money, with the exception of her property known as "Windermere" (being her country residence situate some distance outside the city of London); and whereas after bequeathing a number of legacies the said testatrix provided for her housekeeper, Harriet Kestle, residing during her lifetime at "Windermere" and receiving for her support and maintenance at "Windermere" an annual income such as her trustees might from time to time deem necessary or expedient, so long as she continue to reside at "Windermere" and provided that in addition thereto such trustees should pay the taxes on "Windermere" and the insurance premiums and keep the dwelling house in repair; and whereas the said will further made provision that upon the decease of the said Harriet Kestle or upon her ceasing to reside at "Windermere," whichever event first happened, to permit the corporation of the city of London and its successors to use and occupy "Windermere" and her household furniture and effects for all time to come as a public park and museum; and whereas the said will further made provision that in the event of the corporation of the city of London ceasing at any time to use and occupy "Windermere" and such household furniture and effects solely as a public park and museum, then "Windermere" and such household furniture and effects should become the absolute property of the Ursuline Religious of the Diocese of London in Ontario, for Brescia Hall, and that the residuary trust fund should also become the absolute property of and be paid over forthwith to the said Ursuline Religious order; and whereas the corporation of the city of London as contemplated by said will applied for and obtained

an Act of the Legislative Assembly of the Province of Ontario empowering it to accept the provisions made for it in the will, which Act is referred to as Chapter 68, Statutes of Ontario, 1935; and whereas on the 11th day of March, 1936, Mary Ryan, a niece of the late Daniel S. Perrin, commenced an action in the Supreme Court of Ontario against Thomas Graves Meredith and Talbot Macbeth, as executors, in which action six other nephews and nieces of the said Daniel S. Perrin were joined as defendants with various other parties interested in the estate of the said Elsie P. Williams, such action being brought to set aside the said will of Elsie P. Williams, and for a further judgment declaring that the purported exercise of the power of appointment by the said Elsie P. Williams therein was null and void; and whereas in the month of November, 1937, a settlement of said action was arrived at between Mary Ryan, the plaintiff, and several of the defendants therein named and written minutes of settlement which are contained in Schedule A to this Act, were executed on behalf of such parties; and whereas the corporation of the city of London has by its petition prayed for special legislation in respect of the estate of the said Elsie P. Williams and in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Elsie P. Williams Estate Act, 1938*.

Minutes of settlement confirmed.

2. The Act referred to in the said minutes of settlement bearing date the 5th day of November, 1937, set forth in Schedule A hereto, wherever referred to in the said minutes of settlement, shall be deemed to be this Act, notwithstanding the variations of the said minutes of settlement by virtue of the provisions of this Act, and the said minutes of settlement as varied by the provisions of this Act, notwithstanding any provisions in the said minutes of settlement to the contrary, are hereby declared to be legal, valid and binding on the plaintiff and defendants and all persons referred to in the said minutes of settlement including their heirs, executors, administrators, successors and assigns respectively, and without restricting the generality of the foregoing the said minutes of settlement as varied by the provisions of this Act are hereby declared to be legal, valid and binding on all defendants referred to in the said minutes of settlement who have failed or refused to sign the said minutes of settlement in the same manner and to the same extent as if such defendants had signed and executed the said minutes of settlement and had agreed to the terms and provisions thereof as varied

by this Act, and upon all other persons having any right, title and interest in the estates of the said Elsie P. Williams and Daniel S. Perrin.

City of London authorized to carry out settlement.

3. The council of the corporation of the city of London is hereby authorized and empowered to pass and shall pass such by-laws and shall enter into such agreements and do such other acts, matters and things as may be deemed necessary or expedient for the full and proper carrying out of the provisions of this Act.

Assets to vest in the city of London.

4. The assets of the said estate of Elsie P. Williams, including the assets and funds over which the said Elsie P. Williams was given power of appointment under the will of Daniel S. Perrin, and all securities and accumulations thereof, except those set aside under the provisions of section 7 are hereby transferred and vested without any further act, conveyance, transfer, deed or assurance in the corporation of the city of London, and the said corporation is hereby empowered and directed to take over and obtain physical possession or control of all such assets, funds, securities and accumulations thereof and all documents and evidence of title subject to all existing liabilities of the said estate; and by virtue of the said variations of the said minutes of settlement and the setting aside of certain assets under the provisions of section 7, payment of the moneys required to be paid under the provisions of clauses 4 and 5 of the said minutes of settlement, shall be made by the said corporation forthwith after it shall have obtained possession or control of the said assets or such of them as shall be sufficient therefor, except those assets set aside under the provisions of section 7.

Powers of executors to vest in city of London.

5. Upon the coming into force of this Act, the rights, duties, powers, discretions and obligations of the executors and trustees of the said estate of Elsie P. Williams, namely, Thomas Graves Meredith and Talbot Macbeth, and their successors and nominees in office, except those expressly reserved in section 7, shall vest in the corporation of the city of London and the said executors and trustees shall forthwith assign, transfer, set over and deliver unto the said corporation possession and control of all books, documents, records, securities, moneys and all assets and things belonging to the said estate of Elsie P. Williams, including all books, documents, records, securities, moneys and all assets and funds and things relating to or over which the said Elsie P. Williams was given power of appointment under the terms of the will of Daniel S. Perrin, excepting only the assets referred to in section 7.

Executors' accounts to be passed.

6. The accounts of the said executors and trustees shall be brought in, audited and passed before the surrogate judge

of the county of Middlesex on such day as he may appoint upon application therefor by the said executors or any of the parties to the said minutes of settlement, and an appeal shall lie from the order of the said surrogate court judge to the Court of Appeal for Ontario and such sum as may be awarded by the said surrogate court judge or by the said Court of Appeal in the event of an appeal being taken, shall be paid to the said executors and trustees by the corporation of the city of London out of the said estate of Elsie P. Williams.

Trust fund to be established.

7.—(1) A trust fund of $300,000 shall be and the same is hereby declared to be set aside in trust out of the residuary trust fund of the said estate of Elsie P. Williams, for the upkeep and maintenance of the premises known as "Windermere" and the grounds connected therewith as a public park and museum, and in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils.

Subject to willingness to accept, the trust fund of $300,000 and "Windermere" to remain vested in executors.

(2) Subject to the willingness of the said executors and trustees to accept and carry out the trusts in this section provided, the said trust fund of $300,000 and the dwelling house known as "Windermere" and the land upon which the said dwelling house is erected and used in connection therewith, and the household furniture and effects, including the furniture, books, pictures, plate, glass and china which at the time of the death of the said Elsie P. Williams, were in, about or belonging to the said dwelling house, shall remain vested in the said Thomas Graves Meredith and Talbot Macbeth in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils.

If executors unwilling to accept trust, Canada Trust Co. may act as trustee.

(3) In the event of the said Thomas Graves Meredith and Talbot Macbeth failing to indicate their willingness to accept and carry out the said trusts as provided in this section by filing a written consent thereto with the Registrar of the surrogate court of the county of Middlesex within fifteen days after the coming into force of this Act, and in the event of such trust having been accepted, then in the event of the death of the said Thomas Graves Meredith and Talbot Macbeth or the survivor of them, the said trust fund of $300,000 and other assets described in subsections 1 and 2 shall vest in the Canada Trust Company, provided that the said Canada Trust Company indicates its willingness to accept and carry out the said trusts as provided in this section by filing a written consent thereto with the Registrar of the surrogate court of the county of Middlesex within fifteen days of the death of the survivor of the said executors.

If Canada Trust unwilling to act, surrogate court judge of county of Middlesex shall appoint trustee.

(4) In the event of the said Canada Trust Company failing to indicate its willingness to accept and carry out the said trusts as provided in this section, the said trust fund of $300,000 and other assets described in subsections 1 and 2 shall vest in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils, in such trust company as may be named or appointed by the surrogate court judge of the county of Middlesex, upon the application of any person interested in the said trusts created by this section.

Council to pay bequests.

8. The corporation of the city of London shall forthwith pay such of the legacies and bequests as have not been paid and which are set forth and enumerated in the said last will and testament of the said Elsie P. Williams and the codicils thereto, including the bequest in favour of Bessie Gay, who shall be entitled to the same bequest as is made to the other servants by the last paragraph of clause 1 of the said will of Elsie P. Williams, and shall forthwith pay such other sums of money and costs for which the said corporation is now or may hereafter be liable, together with the costs of the present executors and trustees in connection with this Act.

Rights of Ursuline Religious to vest in city of London.

9. The right, title and interest of every nature or kind which the Ursuline Religious of the Diocese of London may have or claim to have under the terms of the said will and codicils of Elsie P. Williams, shall vest in the corporation of the city of London as provided in the said minutes of settlement.

Direction as to balance of estate.

10. The corporation of the city of London is hereby authorized to and shall use, hold and dispose of the balance of the said estate of Elsie P. Williams including the assets and funds over which the said Elsie P. Williams was given the power of appointment under the will of the said Daniel S. Perrin, and all securities and accumulations thereof, for the purpose of creating a memorial or memorials to the said Elsie P. Williams by the erection and equipment of a public library, museum, art gallery or hospital, or any additions thereto or maintenance thereof, or for any one or more of such purposes.

Liability of members of council for wrongful application of moneys.

11.—(1) If the council of the corporation of the city of London applies any money which under this Act it is authorized to use, hold and dispose of, in paying current or any expenditures other than those authorized by this Act, the members of the said council who vote in favour of such application shall be jointly and severally liable for the amount so applied, and such amount shall be recoverable in any court of competent jurisdiction.

(2) If the said council, upon the request in writing of a ratepayer, refuses or neglects to bring an action therefor

within one month from the receipt of such request such action may then be brought by any ratepayer on behalf of himself and all other ratepayers.

(3) Any such amount which may be recovered under this section shall be used, held and disposed of by the said corporation in accordance with the provisions of this Act.

(4) The members of the said council who vote in favour of such application shall be disqualified from holding any municipal office for a period of two years.

Power to make arrangement as to balance of residuary trust fund.

12. The Board of the Victoria Hospital and the Public Library Board, both of the city of London, are hereby authorized and empowered to enter into such agreements and do such other acts, matters and things as may be deemed necessary or expedient to provide for the application of the balance of the said residuary trust fund by the corporation of the city of London in accordance with the purposes set forth in section 10 and for no other purpose.

Commencement of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE A.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

MARY RYAN,

PLAINTIFF

—and—

THOMAS GRAVES MEREDITH and TALBOT MACBETH, Executors of the last Will and Testament of Daniel S. Perrin, and Executors of the last Will and Testament of Elsie P. Williams, HARRIET KESTLE (or CORBETT), THE CORPORATION OF THE CITY OF LONDON, and THE URSULINE RELIGIOUS OF THE DIOCESE OF LONDON in Ontario, for Brescia Hall, FINDLEY E. PERRIN, MRS. LOOMIS MINOTT (formerly Jessie Mumbrue), MRS. MAUDE PALMER, MRS. CHARLES CRAIG, VICTOR MUMBRUE, DANIEL MUMBRUE, JANE ELLIS, THOMAS W. MCFARLAND, TALBOT MACBETH, THOMAS G. MEREDITH, STANLEY MEREDITH, REDMOND MEREDITH, WILLIAM KENNEY, MARY GOWDY, WILLIAM GAY, BESSIE GAY, FREDERICK RUSSELL, and THE HUMANE SOCIETY OF THE CITY OF LONDON,

DEFENDANTS.

MINUTES OF SETTLEMENT

THIS ACTION is settled as follows:

1. The Plaintiff and the Defendant Victor Mumbrue withdraw all allegations of undue influence and lack of testamentary capacity set forth and enumerated in the Statement of Claim, and all parties hereto abandon all claims to set aside the power of appointment which it is alleged the late Elsie P. Williams failed to exercise by the terms of her last Will and Testament bearing date the 15th day of July, 1932, and the Codicils thereto bearing date the 14th day of April, 1934, and the 18th day of May, 1934, respectively, and all parties hereto consent to the said Will and the Codicils thereto standing as the last Will and Testament of the said Elsie P. Williams, subject to the provisions hereinafter contained.

2. The Defendant The Corporation of the City of London, the Plaintiff, and the Defendant Victor Mumbrue, consent and agree to all the legacies and bequests set forth and enumerated in the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and to the payment of the same, and to all the provisions in the said Will of the said Elsie P. Williams and the Codicils thereto in favour of any Defendant to this action including the defendant Bessie Gay who shall be entitled to the same bequest given to other servants by the last paragraph of Clause 1 of the said last Will of the said deceased.

3. The Defendant The Ursuline Religious of the Diocese of London in Ontario, hereby agrees to assign, transfer and set over to the defendant The Corporation of the City of London all right, title and interest of every nature or kind which is given to it under the terms of the said last Will and Testament and the Codicils thereto of the said Elsie P. Williams, subject to the enactment of the legislation hereinafter referred to and payment of the monies provided in the next succeeding paragraphs.

4. The Defendant The Corporation of the City of London agrees to pay—

(*a*) To the Plaintiff and the following Defendants, namely, Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, and Findley E. Perrin, a total amount of $175,000.00 payable as hereinafter mentioned.

(*b*) To the Defendant The Ursuline Religious of the Diocese of London in Ontario, the sum of $100,000.00, payable as hereinafter mentioned, for all rights granted to it under the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and for an assignment to the said Defendant The Corporation of the City of London of the rights granted to the said Defendant The Ursuline Religious of the Diocese of London in Ontario, under the terms of the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto: and

(*c*) To pay to Isabel Butler, Isabel Ware, Beatrice Reid, John E. Middleton, Rosemary Shuttleworth and Rita Stevenson, Legatees mentioned under the Will of the said Elsie P. Williams, bearing date the 8th day of February, 1927, and referred to in the pleadings of this action, a total of $12,000.00 payable in proportion to the amount bequeathed to each of them under the said Will of the 8th day of February, 1927.

5. The amounts hereby agreed to be paid by The Corporation of the City of London shall be payable as soon as the said The Corporation of the City of London has applied for and obtained an Act of the Legislature of the Province of Ontario empowering it to take over from the Defendants, Thomas Graves Meredith and Talbot Macbeth, the Estate of the said Elsie P. Williams, and all the assets thereof, including the fund of the Daniel S. Perrin Estate over which the said Elsie P. Williams was given a power of appointment under the Will of the said Daniel S. Perrin, and all securities and accumulations thereof, and has, pursuant to the provisions of the said Act, obtained possession or control of the said Estate to enable it to make such payments from the assets of the said Estate.

6. This action to be adjourned until such application by The Corporation of the City of London has been disposed of by the Ontario Legislature.

7. The Defendant The Corporation of the City of London shall make application at the next Sittings of the Ontario Legislature for an Act validating this settlement, and such application shall provide for the setting aside of a trust fund of $250,000.00 for the upkeep and maintenance of Windermere and the grounds connected therewith as a public park and museum, and such application shall provide that the balance of the said Estate, after making provision for the payments herein mentioned, shall be used by the Defendant The Corporation of the City of London to create a memorial or memorials to the deceased by the erection and equipment of a public library, museum-art gallery-park-hospital-or any additions thereto or maintenance thereof, or for any one or more of such purposes.

8. In the event of the application for such Act being refused, all proposals herein contained and agreed to by the parties executing these Minutes of Settlement shall automatically become null and void and of no further effect and this action shall proceed to trial at the next Sittings of this Honourable Court commencing after the date of the hearing and disposition of the said application for said Act. In the event of the application of the Defendant The Corporation of the City of London for said Act being granted, this action shall be dismissed with such costs payable to such parties as are hereinafter provided by Clause 11 hereof.

9. The Defendant, The Corporation of the City of London, in making application for the said Act, shall provide in said application for the vesting in the said Defendant The Corporation of the City of London of the entire Estate of the said Elsie P. Williams, including the trust fund over which the said Elsie P. Williams was given power of appointment under the terms of the Will of the said Daniel S. Perrin deceased, and all discretions, rights and powers of the Defendants Thomas Graves Meredith and Talbot Macbeth, as Executors and Trustees of the estate of the said Elsie P. Williams, and their successors and nominees.

10. The application for the said Act shall also provide for the audit and passing of accounts of the Defendants, Thomas Graves Meredith

and Talbot Macbeth or their nominees or successors, in their capacity as Executors and Trustees of the estate of the said Elsie P. Williams, and the said Defendants shall be entitled as such Executors and Trustees to such fair and reasonable compensation as may be awarded to them by the Surrogate Judge of the County of Middlesex on the auditing of such accounts, and the amounts so allowed shall be paid to them out of the Estate of the said Elsie P. Williams.

11. The costs of the Defendants Thomas Graves Meredith and Talbot Macbeth and the parties to this action (other than the Plaintiff and the Defendants Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, Findley E. Perrin and The Ursuline Religious of the Diocese of London) shall be payable out of the Estate of the said Elsie P. Williams; the costs of the Defendants Thomas Graves Meredith and Talbot Macbeth as Executors and the costs of the Defendant The Corporation of the City of London shall be payable on a solicitor and client basis; the costs of The Corporation of the City of London of and incidental to applying for and obtaining the said Act of the Ontario Legislature shall also be paid out of the said Estate on a solicitor and client basis.

Dated at London, Ontario, this 5th day of November, A.D. 1937.

"Braden & McAlister,"
Solicitor for the Plaintiff.

"J. I. Hodgins,"
Solicitor for the Defendant
The Corporation of the City of London.

"Murphy, LeBel & Durdin,"
Solicitors for the Defendant
The Ursuline Religious of the Diocese of London in Ontario, for Brescia Hall.

"Craig McKay,"
Solicitor for the Defendant
Findley E. Perrin.

"C. C. Carrothers,"
Solicitor for the Defendants
Mrs. Loomis Minott, Mrs. Maude Palmer, Mrs. Charles Craig and Daniel Mumbrue.

"Alex. Fergusson,"
Solicitor for the Defendant
Victor Mumbrue.

"G. N. Weekes,"
Solicitor for the Defendants
William Gay and Bessie Gay.

"G. A. P. Brickenden & Co.",
Solicitor for the Defendant
Frederick Russell.

.....
Official Guardian, Solicitor for the Defendant
Jane Ellis.

BILL

An Act respecting the Elsie P. Williams Estate.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. DUNCAN

(*Reprinted as amended by the Committee on Private Bills.*)

No. 24

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Elsie P. Williams Estate.

MR. DUNCAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 24 1938

BILL

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an Act of the Legislative Assembly of the Province of Ontario empowering it to accept the provisions made for it in the will, which Act is referred to as Chapter 68, Statutes of Ontario, 1935; and whereas on the 11th day of March, 1936, Mary Ryan, a niece of the late Daniel S. Perrin, commenced an action in the Supreme Court of Ontario against Thomas Graves Meredith and Talbot Macbeth, as executors, in which action six other nephews and nieces of the said Daniel S. Perrin were joined as defendants with various other parties interested in the estate of the said Elsie P. Williams, such action being brought to set aside the said will of Elsie P. Williams, and for a further judgment declaring that the purported exercise of the power of appointment by the said Elsie P. Williams therein was null and void; and whereas in the month of November, 1937, a settlement of said action was arrived at between Mary Ryan, the plaintiff, and several of the defendants therein named and written minutes of settlement which are contained in Schedule A to this Act, were executed on behalf of such parties; and whereas the corporation of the city of London has by its petition prayed for special legislation in respect of the estate of the said Elsie P. Williams and in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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by this Act, and upon all other persons having any right, title and interest in the estates of the said Elsie P. Williams and Daniel S. Perrin.

City of London authorized to carry out settlement.

3. The council of the corporation of the city of London is hereby authorized and empowered to pass and shall pass such by-laws and shall enter into such agreements and do such other acts, matters and things as may be deemed necessary or expedient for the full and proper carrying out of the provisions of this Act.

Assets to vest in the city of London.

4. The assets of the said estate of Elsie P. Williams, including the assets and funds over which the said Elsie P. Williams was given power of appointment under the will of Daniel S. Perrin, and all securities and accumulations thereof, except those set aside under the provisions of section 7 are hereby transferred and vested without any further act, conveyance, transfer, deed or assurance in the corporation of the city of London, and the said corporation is hereby empowered and directed to take over and obtain physical possession or control of all such assets, funds, securities and accumulations thereof and all documents and evidence of title subject to all existing liabilities of the said estate; and by virtue of the said variations of the said minutes of settlement and the setting aside of certain assets under the provisions of section 7, payment of the moneys required to be paid under the provisions of clauses 4 and 5 of the said minutes of settlement, shall be made by the said corporation forthwith after it shall have obtained possession or control of the said assets or such of them as shall be sufficient therefor, except those assets set aside under the provisions of section 7.

Powers of executors to vest in city of London.

5. Upon the coming into force of this Act, the rights, duties, powers, discretions and obligations of the executors and trustees of the said estate of Elsie P. Williams, namely, Thomas Graves Meredith and Talbot Macbeth, and their successors and nominees in office, except those expressly reserved in section 7, shall vest in the corporation of the city of London and the said executors and trustees shall forthwith assign, transfer, set over and deliver unto the said corporation possession and control of all books, documents, records, securities, moneys and all assets and things belonging to the said estate of Elsie P. Williams, including all books, documents, records, securities, moneys and all assets and funds and things relating to or over which the said Elsie P. Williams was given power of appointment under the terms of the will of Daniel S. Perrin, excepting only the assets referred to in section 7.

Executors' accounts to be passed.

6. The accounts of the said executors and trustees shall be brought in, audited and passed before the surrogate judge

of the county of Middlesex on such day as he may appoint upon application therefor by the said executors or any of the parties to the said minutes of settlement, and an appeal shall lie from the order of the said surrogate court judge to the Court of Appeal for Ontario and such sum as may be awarded by the said surrogate court judge or by the said Court of Appeal in the event of an appeal being taken, shall be paid to the said executors and trustees by the corporation of the city of London out of the said estate of Elsie P. Williams.

Trust fund to be established.

7.—(1) A trust fund of $300,000 shall be and the same is hereby declared to be set aside in trust out of the residuary trust fund of the said estate of Elsie P. Williams, for the upkeep and maintenance of the premises known as "Windermere" and the grounds connected therewith as a public park and museum, and in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils.

Subject to willingness to accept, the trust fund of $300,000 and "Windermere" to remain vested in executors.

(2) Subject to the willingness of the said executors and trustees to accept and carry out the trusts in this section provided, the said trust fund of $300,000 and the dwelling house known as "Windermere" and the land upon which the said dwelling house is erected and used in connection therewith, and the household furniture and effects, including the furniture, books, pictures, plate, glass and china which at the time of the death of the said Elsie P. Williams, were in, about or belonging to the said dwelling house, shall remain vested in the said Thomas Graves Meredith and Talbot Macbeth in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils.

If executors unwilling to accept trust, Canada Trust Co. may act as trustee.

(3) In the event of the said Thomas Graves Meredith and Talbot Macbeth failing to indicate their willingness to accept and carry out the said trusts as provided in this section by filing a written consent thereto with the Registrar of the surrogate court of the county of Middlesex within fifteen days after the coming into force of this Act, and in the event of such trust having been accepted, then in the event of the death of the said Thomas Graves Meredith and Talbot Macbeth or the survivor of them, the said trust fund of $300,000 and other assets described in subsections 1 and 2 shall vest in the Canada Trust Company, provided that the said Canada Trust Company indicates its willingness to accept and carry out the said trusts as provided in this section by filing a written consent thereto with the Registrar of the surrogate court of the county of Middlesex within fifteen days of the death of the survivor of the said executors.

If Canada Trust unwilling to act, surrogate court judge of county of Middlesex shall appoint trustee.

(4) In the event of the said Canada Trust Company failing to indicate its willingness to accept and carry out the said trusts as provided in this section, the said trust fund of $300,000 and other assets described in subsections 1 and 2 shall vest in trust for all the purposes for which the said residuary trust fund was created by the terms of the said will and codicils, in such trust company as may be named or appointed by the surrogate court judge of the county of Middlesex, upon the application of any person interested in the said trusts created by this section.

Council to pay bequests.

8. The corporation of the city of London shall forthwith pay such of the legacies and bequests as have not been paid and which are set forth and enumerated in the said last will and testament of the said Elsie P. Williams and the codicils thereto, including the bequest in favour of Bessie Gay, who shall be entitled to the same bequest as is made to the other servants by the last paragraph of clause 1 of the said will of Elsie P. Williams, and shall forthwith pay such other sums of money and costs for which the said corporation is now or may hereafter be liable, together with the costs of the present executors and trustees in connection with this Act.

Rights of Ursuline Religious to vest in city of London.

9. The right, title and interest of every nature or kind which the Ursuline Religious of the Diocese of London may have or claim to have under the terms of the said will and codicils of Elsie P. Williams, shall vest in the corporation of the city of London as provided in the said minutes of settlement.

Direction as to balance of estate.

10. The corporation of the city of London is hereby authorized to and shall use, hold and dispose of the balance of the said estate of Elsie P. Williams including the assets and funds over which the said Elsie P. Williams was given the power of appointment under the will of the said Daniel S. Perrin, and all securities and accumulations thereof, for the purpose of creating a memorial or memorials to the said Elsie P. Williams by the erection and equipment of a public library, museum, art gallery or hospital, or any additions thereto or maintenance thereof, or for any one or more of such purposes.

Liability of members of council for wrongful application of moneys.

11.—(1) If the council of the corporation of the city of London applies any money which under this Act it is authorized to use, hold and dispose of, in paying current or any expenditures other than those authorized by this Act, the members of the said council who vote in favour of such application shall be jointly and severally liable for the amount so applied, and such amount shall be recoverable in any court of competent jurisdiction.

(2) If the said council, upon the request in writing of a ratepayer, refuses or neglects to bring an action therefor

within one month from the receipt of such request such action may then be brought by any ratepayer on behalf of himself and all other ratepayers.

(3) Any such amount which may be recovered under this section shall be used, held and disposed of by the said corporation in accordance with the provisions of this Act.

(4) The members of the said council who vote in favour of such application shall be disqualified from holding any municipal office for a period of two years.

Power to make arrangement as to balance of residuary trust fund.

12. The Board of the Victoria Hospital and the Public Library Board, both of the city of London, are hereby authorized and empowered to enter into such agreements and do such other acts, matters and things as may be deemed necessary or expedient to provide for the application of the balance of the said residuary trust fund by the corporation of the city of London in accordance with the purposes set forth in section 10 and for no other purpose.

Commencement of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE A.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

MARY RYAN,

PLAINTIFF

—and—

THOMAS GRAVES MEREDITH and TALBOT MACBETH, Executors of the last Will and Testament of Daniel S. Perrin, and Executors of the last Will and Testament of Elsie P. Williams, HARRIET KESTLE (or CORBETT), THE CORPORATION OF THE CITY OF LONDON, and THE URSULINE RELIGIOUS OF THE DIOCESE OF LONDON in Ontario, for Brescia Hall, FINDLEY E. PERRIN, MRS. LOOMIS MINOTT (formerly Jessie Mumbrue), MRS. MAUDE PALMER, MRS. CHARLES CRAIG, VICTOR MUMBRUE, DANIEL MUMBRUE, JANE ELLIS, THOMAS W. MCFARLAND, TALBOT MACBETH, THOMAS G. MEREDITH, STANLEY MEREDITH, REDMOND MEREDITH, WILLIAM KENNEY, MARY GOWDY, WILLIAM GAY, BESSIE GAY, FREDERICK RUSSELL, and THE HUMANE SOCIETY OF THE CITY OF LONDON,

DEFENDANTS.

MINUTES OF SETTLEMENT

THIS ACTION is settled as follows:

1. The Plaintiff and the Defendant Victor Mumbrue withdraw all allegations of undue influence and lack of testamentary capacity set forth and enumerated in the Statement of Claim, and all parties hereto abandon all claims to set aside the power of appointment which it is alleged the late Elsie P. Williams failed to exercise by the terms of her last Will and Testament bearing date the 15th day of July, 1932, and the Codicils thereto bearing date the 14th day of April, 1934, and the 18th day of May, 1934, respectively, and all parties hereto consent to the said Will and the Codicils thereto standing as the last Will and Testament of the said Elsie P. Williams, subject to the provisions hereinafter contained.

2. The Defendant The Corporation of the City of London, the Plaintiff, and the Defendant Victor Mumbrue, consent and agree to all the legacies and bequests set forth and enumerated in the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and to the payment of the same, and to all the provisions in the said Will of the said Elsie P. Williams and the Codicils thereto in favour of any Defendant to this action including the defendant Bessie Gay who shall be entitled to the same bequest given to other servants by the last paragraph of Clause 1 of the said last Will of the said deceased.

3. The Defendant The Ursuline Religious of the Diocese of London in Ontario, hereby agrees to assign, transfer and set over to the defendant The Corporation of the City of London all right, title and interest of every nature or kind which is given to it under the terms of the said last Will and Testament and the Codicils thereto of the said Elsie P. Williams, subject to the enactment of the legislation hereinafter referred to and payment of the monies provided in the next succeeding paragraphs.

4. The Defendant The Corporation of the City of London agrees to pay—

(*a*) To the Plaintiff and the following Defendants, namely, Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, and Findley E. Perrin, a total amount of $175,000.00 payable as hereinafter mentioned.

(*b*) To the Defendant The Ursuline Religious of the Diocese of London in Ontario, the sum of $100,000.00, payable as hereinafter mentioned, for all rights granted to it under the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto, and for an assignment to the said Defendant The Corporation of the City of London of the rights granted to the said Defendant The Ursuline Religious of the Diocese of London in Ontario, under the terms of the said last Will and Testament of the said Elsie P. Williams and the Codicils thereto: and

(*c*) To pay to Isabel Butler, Isabel Ware, Beatrice Reid, John E. Middleton, Rosemary Shuttleworth and Rita Stevenson, Legatees mentioned under the Will of the said Elsie P. Williams, bearing date the 8th day of February, 1927, and referred to in the pleadings of this action, a total of $12,000.00 payable in proportion to the amount bequeathed to each of them under the said Will of the 8th day of February, 1927.

5. The amounts hereby agreed to be paid by The Corporation of the City of London shall be payable as soon as the said The Corporation of the City of London has applied for and obtained an Act of the Legislature of the Province of Ontario empowering it to take over from the Defendants, Thomas Graves Meredith and Talbot Macbeth, the Estate of the said Elsie P. Williams, and all the assets thereof, including the fund of the Daniel S. Perrin Estate over which the said Elsie P. Williams was given a power of appointment under the Will of the said Daniel S. Perrin, and all securities and accumulations thereof, and has, pursuant to the provisions of the said Act, obtained possession or control of the said Estate to enable it to make such payments from the assets of the said Estate.

6. This action to be adjourned until such application by The Corporation of the City of London has been disposed of by the Ontario Legislature.

7. The Defendant The Corporation of the City of London shall make application at the next Sittings of the Ontario Legislature for an Act validating this settlement, and such application shall provide for the setting aside of a trust fund of $250,000.00 for the upkeep and maintenance of Windermere and the grounds connected therewith as a public park and museum, and such application shall provide that the balance of the said Estate, after making provision for the payments herein mentioned, shall be used by the Defendant The Corporation of the City of London to create a memorial or memorials to the deceased by the erection and equipment of a public library, museum-art gallery-park-hospital-or any additions thereto or maintenance thereof, or for any one or more of such purposes.

8. In the event of the application for such Act being refused, all proposals herein contained and agreed to by the parties executing these Minutes of Settlement shall automatically become null and void and of no further effect and this action shall proceed to trial at the next Sittings of this Honourable Court commencing after the date of the hearing and disposition of the said application for said Act. In the event of the application of the Defendant The Corporation of the City of London for said Act being granted, this action shall be dismissed with such costs payable to such parties as are hereinafter provided by Clause 11 hereof.

9. The Defendant, The Corporation of the City of London, in making application for the said Act, shall provide in said application for the vesting in the said Defendant The Corporation of the City of London of the entire Estate of the said Elsie P. Williams, including the trust fund over which the said Elsie P. Williams was given power of appointment under the terms of the Will of the said Daniel S. Perrin deceased, and all discretions, rights and powers of the Defendants Thomas Graves Meredith and Talbot Macbeth, as Executors and Trustees of the estate of the said Elsie P. Williams, and their successors and nominees.

10. The application for the said Act shall also provide for the audit and passing of accounts of the Defendants, Thomas Graves Meredith

and Talbot Macbeth or their nominees or successors, in their capacity as Executors and Trustees of the estate of the said Elsie P. Williams, and the said Defendants shall be entitled as such Executors and Trustees to such fair and reasonable compensation as may be awarded to them by the Surrogate Judge of the County of Middlesex on the auditing of such accounts, and the amounts so allowed shall be paid to them out of the Estate of the said Elsie P. Williams.

11. The costs of the Defendants Thomas Graves Meredith and Talbot Macbeth and the parties to this action (other than the Plaintiff and the Defendants Mrs. Loomis Minott, Daniel Mumbrue, Victor Mumbrue, Mrs. Charles Craig, Mrs. Maude Palmer, Findley E. Perrin and The Ursuline Religious of the Diocese of London) shall be payable out of the Estate of the said Elsie P. Williams; the costs of the Defendants Thomas Graves Meredith and Talbot Macbeth as Executors and the costs of the Defendant The Corporation of the City of London shall be payable on a solicitor and client basis; the costs of The Corporation of the City of London of and incidental to applying for and obtaining the said Act of the Ontario Legislature shall also be paid out of the said Estate on a solicitor and client basis.

Dated at London, Ontario, this 5th day of November, A.D. 1937.

"Braden & McAlister,"
Solicitor for the Plaintiff.

"J. I. Hodgins,"
Solicitor for the Defendant
The Corporation of the City of London.

"Murphy, LeBel & Durdin,"
Solicitors for the Defendant
The Ursuline Religious of the Diocese
of London in Ontario, for Brescia Hall.

"Craig McKay,"
Solicitor for the Defendant
Findley E. Perrin.

"C. C. Carrothers,"
Solicitor for the Defendants
Mrs. Loomis Minott, Mrs. Maude Palmer,
Mrs. Charles Craig and Daniel Mumbrue.

"Alex. Fergusson,"
Solicitor for the Defendant
Victor Mumbrue.

"G. N. Weekes,"
Solicitor for the Defendants
William Gay and Bessie Gay.

"G. A. P. Brickenden & Co.",
Solicitor for the Defendant
Frederick Russell.

.....
Official Guardian, Solicitor for the Defendant
Jane Ellis.

BILL

An Act respecting the Elsie P. Williams Estate.

1st Reading

March 8th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 7th, 1938

MR. DUNCAN

1938

No. 25

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of Etobicoke.

MR. GARDHOUSE

(Private Bill)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 25 1938

BILL

An Act respecting the Township of Etobicoke.

Preamble. WHEREAS the corporation of the township of Etobicoke has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of Etobicoke Act, 1938*.

Power to pass by-law re fire trustees. **2.** The council of the corporation may by by-law authorize and empower the trustees of any defined fire area to appoint, insure and pay firemen and others employed in connection with the firehall in any such area.

BILL

An Act respecting the Township of Etobicoke.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. GARDHOUSE

(*Private Bill*)

1938

No. 25

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of Etobicoke.

MR. GARDHOUSE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 25 1938

BILL

An Act respecting the Township of Etobicoke.

Preamble.

WHEREAS the corporation of the township of Etobicoke has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of Etobicoke Act, 1938.*

Power to pass by-law re fire trustees.

2. The council of the corporation may by by-law authorize and empower the trustees of any defined fire area to appoint, dismiss, insure and pay firemen and others employed in connection with the firehall in any such area.

BILL

An Act respecting the Township of Etobicoke.

1st Reading

March 15th, 1938

2nd Reading

April 5th, 1938

3rd Reading

April 7th, 1938

MR. GARDHOUSE

1938

No. 26

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of York.

MR. GARDHOUSE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 26 1938

BILL

An Act respecting the Township of York.

Preamble. WHEREAS the corporation of the township of York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of York Act, 1938.*

Municipal Board may erect township into city. **2.** The Ontario Municipal Board may upon application of the council of the corporation of the township of York erect the said township into a city under the name of "The Corporation of the City of York."

Date of erection to be declared by Board. **3.** The said Board shall by its order provide and declare the day upon which the said township shall be erected into a city, and sections 4 to 12 of this Act shall come into force and take effect on the day so declared.

City to be separate for municipal purposes. **4.** The said city shall be separate from the county of York for municipal purposes, but shall continue to form part of the said county for judicial purposes.

Rights, etc., of city. **5.** Except where inconsistent with sections 4 to 12 of this Act, the said city shall enjoy and have all the rights, powers and privileges enjoyed and exercised by a city erected under the provisions of *The Municipal Act.*

Rev. Stat., c. 266.

Special Acts to continue. **6.** Except where inconsistent with sections 4 to 12 of this Act, all special Acts respecting the said township which are now in force shall continue and be in force with respect to the said city, as if they had been passed by or for the benefit of the said city, until the same are repealed, amended or otherwise varied.

By-laws to continue. **7.** Except where inconsistent with sections 4 to 12 of this Act, all by-laws now in force in the said township shall continue to be in force with respect to the said city until the same are repealed, amended or otherwise varied.

Council.

8. The council of the said city shall be composed of a mayor to be elected by general vote, and six aldermen to be elected two for each of the three wards of the said city.

Board of Education.

1934, c. 104.

9. The provisions of section 2 of *The Township of York Act, 1934*, shall continue to apply *mutatis mutandis* to the Board of Education, which shall hereafter be known as The Board of Education for the City of York, except that no members shall be appointed to the said Board by the council of the county of York.

When city to be deemed township. Rev. Stat., c. 56.

10. For the purposes of Parts III, IV and V of *The Highway Improvement Act*, the said city shall be deemed to be a township and the said Parts shall be read and construed accordingly.

When Rev. Stat., c. 266, to apply.

11. The provisions of *The Municipal Act* as to matters consequent on the erection of a town not being a separated town into a city, including the adjustment of assets and liabilities between the corporation of the county of York and the corporation of the said city shall apply, except that any matter respecting such adjustment which under the terms of the said Act is to be determined by arbitration, shall be heard and determined by the Ontario Municipal Board which shall be deemed to be the arbitrator appointed under *The Municipal Act*, and the award of the said Board thereon shall be final and conclusive and shall not be open to question in any court.

City to remain under the control of Municipal Board and Department of Municipal Affairs. Rev. Stat., c. 59.

12. Subject to any order made pursuant to section 64 of *The Department of Municipal Affairs Act*, the said city and the local boards thereof shall be and remain subject to the provisions of Part III of the said Act and to the jurisdiction and control of the Ontario Municipal Board and the Department of Municipal Affairs, as provided for in the said Part III.

Superannuation scheme.

13. The council of the said corporation may with the approval of the Department of Municipal Affairs, pass by-laws to establish and maintain a fund or scheme for the payment of superannuation or pension allowances or allowances upon the death of its employees either by the corporation itself or by agreement with any licensed insurance company or otherwise, upon such terms and conditions as any such by-law shall provide, which by-law may extend to and include any officer, employee, clerk, servant, workman or other person who may now or hereafter be in the employ of the said corporation or any local board or commission thereof, or may be limited and applicable only to such employees or class of employees as the by-law may specify; and the amount of any contribution made to such fund or scheme or any premiums paid to any such insurance company by the said corporation in each year shall be deemed to be a current

expenditure to be provided for with other current expenditures of the said corporation, and any contribution made to such fund or scheme, or premium by any employee who contributes thereto, may be deducted from the salary, wages or other remuneration of such employee.

1932, c. 96, s. 6, amended.

14. Section 6 of *The Township of York Act, 1932*, is amended by striking out the figures "1937" wherever they occur in the said section and inserting in lieu thereof the figures "1942."

1926, c. 108, s. 5, subs. 2, amended.
1929, c. 128.
1935, c. 100.

15. Subsection 2 of section 5 of *The Township of York Act, 1926*, as amended by section 15 of *The Township of York Act, 1929*, and as amended by section 3 of *The Township of York Act, 1935*, is further amended by striking out the figures "1939" where they occur in the said subsection and inserting in lieu thereof the figures "1944."

New dwelling houses may be exempted from certain taxation.

16.—(1) The council of the said corporation may by by-law, which for its validity shall not require the assent of the electors qualified to vote on money by-laws, exempt wholly or partially from municipal taxation except taxation for school purposes and local improvements for the whole or any part of the period of five years next ensuing from and after the 1st day of January, 1939, all new dwelling houses erected in the said township during the said period.

Previous by-law abrogated.

1935, c. 100.

(2) The provisions of the by-law passed by the council of the said corporation under the authority of section 9 of *The Township of York Act, 1935*, shall cease to apply to any dwelling houses erected in the said township after the date upon which new dwelling houses become entitled to exemption under the provisions of a by-law passed under the authority of this section.

York Township deemed city for purposes of Rev. Stat., c. 266, s. 81, subs. 2.

17. For the purposes of subsection 2 of section 81 of *The Municipal Act* the township of York shall be deemed a city having a population of not less than 100,000.

York Township deemed city for purposes of Rev. Stat., c. 288, s. 26..

18. For the purposes of section 26 of *The Highway Traffic Act* the township of York shall be deemed a city.

Payment of certain moneys due Township of York.

19.—(1) Where under the provisions of any general or special Act the corporation of any municipality is liable to the corporation of the township of York for payment of moneys representing a share of the debentures issued by the corporation of the said township, and payment in part or in full of any such liability has been heretofore or is hereafter made to the corporation of the said township, then the corporation making such payment shall be exonerated from any further liability in respect of the payment or payments made.

1934, c. 75, s. 5, repealed.

(2) Section 5 of *The Village of Forest Hill Act, 1934*, is repealed.

Provisions respecting the local board of health.

Rev. Stat., c. 299.

20.—(1) During the period in which an agreement is in force between The Local Board of Health of the Township of York and The Board of Education for the Township of York purporting to be made under the provisions of section 91 of *The Public Health Act*, the said local board of health shall consist of the head of the municipality, the medical officer of health and three resident ratepayers of the municipality, one of whom shall be appointed annually by the council at its first meeting, and the remaining two shall be appointed annually by the said board of education, either or both of whom may, but need not, be members of the said board of education.

Vacancy.

(2) Whenever a vacancy occurs on the said local board of health in the case of a member appointed by the said board of education, the said board of education shall at its first meeting thereafter appoint a resident ratepayer of the municipality to fill such vacancy.

BILL

An Act respecting the Township of York.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

Mr. Gardhouse

(*Private Bill*)

No. 26

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of York.

MR. GARDHOUSE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 26 1938

BILL

An Act respecting the Township of York.

Preamble.

WHEREAS the corporation of the township of York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of York Act, 1938*.

Municipal Board may erect township into city.

2. The Ontario Municipal Board may upon application of the council of the corporation of the township of York erect the said township into a city under the name of "The Corporation of the City of York."

Date of erection to be declared by Board.

3. The said Board shall by its order provide and declare the day upon which the said township shall be erected into a city, and sections 4 to 12 of this Act shall come into force and take effect on the day so declared.

City to be separate for municipal purposes.

4. The said city shall be separate from the county of York for municipal purposes, but shall continue to form part of the said county for judicial purposes.

Rights, etc., of city.

5. Except where inconsistent with sections 4 to 12 of this Act, the said city shall enjoy and have all the rights, powers and privileges enjoyed and exercised by a city erected under the provisions of *The Municipal Act*.

Rev. Stat., c. 266.

Special Acts to continue.

6. Except where inconsistent with sections 4 to 12 of this Act, all special Acts respecting the said township which are now in force shall continue and be in force with respect to the said city, as if they had been passed by or for the benefit of the said city, until the same are repealed, amended or otherwise varied.

By-laws to continue.

7. Except where inconsistent with sections 4 to 12 of this Act, all by-laws now in force in the said township shall continue to be in force with respect to the said city until the same are repealed, amended or otherwise varied.

Council.

8. The council of the said city shall be composed of a mayor to be elected by general vote, and six aldermen to be elected two for each of the three wards of the said city.

Board of Education.

1934, c. 104.

9. The provisions of section 2 of *The Township of York Act, 1934*, shall continue to apply *mutatis mutandis* to the Board of Education, which shall hereafter be known as The Board of Education for the City of York, except that no members shall be appointed to the said Board by the council of the county of York.

Separate School Board.

10. York Township Separate School Board shall hereafter be known as the Roman Catholic Separate School Board for the City of York.

When Rev. Stat., c. 266, to apply.

11. The provisions of *The Municipal Act* as to matters consequent on the erection of a town not being a separated town into a city, including the adjustment of assets and liabilities between the corporation of the county of York and the corporation of the said city shall apply, except that any matter respecting such adjustment which under the terms of the said Act is to be determined by arbitration, shall be heard and determined by the Ontario Municipal Board which shall be deemed to be the arbitrator appointed under *The Municipal Act*, and the award of the said Board thereon shall be final and conclusive and shall not be open to question in any court.

City to remain under the control of Municipal Board and Department of Municipal Affairs.

Rev. Stat., c. 59.

12. Subject to any order made pursuant to section 64 of *The Department of Municipal Affairs Act*, the said city and the local boards thereof shall be and remain subject to the provisions of Part III of the said Act and to the jurisdiction and control of the Ontario Municipal Board and the Department of Municipal Affairs, as provided for in the said Part III.

Superannuation scheme.

13. The council of the said corporation may with the approval of the Department of Municipal Affairs, pass by-laws to establish and maintain a fund or scheme for the payment of superannuation or pension allowances or allowances upon the death of its employees either by the corporation itself or by agreement with any licensed insurance company or otherwise, upon such terms and conditions as any such by-law shall provide, which by-law may extend to and include any officer, employee, clerk, servant, workman or other person who may now or hereafter be in the employ of the said corporation or any local board or commission thereof, or may be limited and applicable only to such employees or class of employees as the by-law may specify; and the amount of any contribution made to such fund or scheme or any premiums paid to any such insurance company by the said corporation in each year shall be deemed to be a current

expenditure to be provided for with other current expenditures of the said corporation, and any contribution made to such fund or scheme, or premium by any employee who contributes thereto, may be deducted from the salary, wages or other remuneration of such employee.

1932, c. 96, s. 6, amended.

14. Section 6 of *The Township of York Act, 1932*, is amended by striking out the figures "1937" wherever they occur in the said section and inserting in lieu thereof the figures "1942."

1926, c. 108, s. 5, subs. 2, amended.
1929, c. 128.
1935, c. 100.

15. Subsection 2 of section 5 of *The Township of York Act, 1926*, as amended by section 15 of *The Township of York Act, 1929*, and as amended by section 3 of *The Township of York Act, 1935*, is further amended by striking out the figures "1939" where they occur in the said subsection and inserting in lieu thereof the figures "1944."

New dwelling houses may be exempted from certain taxation.

16.—(1) The council of the said corporation may by by-law, which for its validity shall not require the assent of the electors qualified to vote on money by-laws, exempt wholly or partially from municipal taxation except taxation for school purposes and local improvements for the whole or any part of the period of five years next ensuing from and after the 1st day of January, 1938, all new dwelling houses erected in the said township during the said period.

Previous by-law abrogated.
1935, c. 100.

(2) The provisions of the by-law passed by the council of the said corporation under the authority of section 9 of *The Township of York Act, 1935*, shall cease to apply to any dwelling houses erected in the said township after the date upon which new dwelling houses become entitled to exemption under the provisions of a by-law passed under the authority of this section.

York Township deemed city for purposes of Rev. Stat., c. 266, s. 81, subs. 2.

17. For the purposes of subsection 2 of section 81 of *The Municipal Act* the township of York shall be deemed a city having a population of not less than 100,000.

York Township deemed city for purposes of Rev. Stat., c. 288, s. 26.

18. For the purposes of section 26 of *The Highway Traffic Act* the township of York shall be deemed a city.

Payment of certain moneys due Township of York.

19.—(1) Where under the provisions of any general or special Act the corporation of any municipality is liable to the corporation of the township of York for payment of moneys representing a share of the debentures issued by the corporation of the said township, and payment in part or in full of any such liability has been heretofore or is hereafter made to the corporation of the said township, then the corporation making such payment shall be exonerated from any further liability to the said township or any other person or corporation in respect of the payment or payments made.

1934, c. 75, s. 5, repealed.

(2) Section 5 of *The Village of Forest Hill Act, 1934*, is repealed.

Provisions respecting the local board of health.

Rev. Stat., c. 299.

20.—(1) During the period in which an agreement is in force between The Local Board of Health of the Township of York and The Board of Education for the Township of York purporting to be made under the provisions of section 91 of *The Public Health Act*, the said local board of health shall consist of the head of the municipality, the medical officer of health and three resident ratepayers of the municipality, one of whom shall be appointed annually by the council at its first meeting, and the remaining two shall be appointed annually by the said board of education, either or both of whom may, but need not, be members of the said board of education.

Vacancy.

(2) Whenever a vacancy occurs on the said local board of health in the case of a member appointed by the said board of education, the said board of education shall at its first meeting thereafter appoint a resident ratepayer of the municipality to fill such vacancy.

1934, c. 104, s. 2, subs. 2, amended.

21. Subsection 2 of section 2 of *The Township of York Act, 1934*, is amended by striking out the word "eleven" where it occurs in the first line and inserting in lieu thereof the words "the following," and by striking out the clause lettered *b* in the said subsection and substituting therefor the following:

Composition of board.

(*b*) such member or members as are appointed by the council of the county of York in accordance with the provisions of *The High Schools Act*.

BILL

An Act respecting the Township of York.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. GARDHOUSE

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 26

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of York.

MR. GARDHOUSE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 26 1938

BILL

An Act respecting the Township of York.

Preamble. WHEREAS the corporation of the township of York has by its petition prayed for special legis'ation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of York Act, 1938*.

Superannuation scheme. **2.** The council of the said corporation may with the approval of the Department of Municipal Affairs, pass by-laws to establish and maintain a fund or scheme for the payment of superannuation or pension allowances or allowances upon the death of its employees either by the corporation itself or by agreement with any licensed insurance company or otherwise, upon such terms and conditions as any such by-law shall provide, which by-law may extend to and include any officer, employee, clerk, servant, workman or other person who may now or hereafter be in the employ of the said corporation or any local board or commission thereof, or may be limited and applicable only to such employees or class of employees as the by-law may specify; and the amount of any contribution made to such fund or scheme or any premiums paid to any such insurance company by the said corporation in each year shall be deemed to be a current expenditure to be provided for with other current expenditures of the said corporation, and any contribution made to such fund or scheme, or premium by any employee who contributes thereto, may be deducted from the salary, wages or other remuneration of such employee.

1932, c. 96, s. 6, amended. **3.** Section 6 of *The Township of York Act, 1932*, is amended by striking out the figures "1937" wherever they occur in the said section and inserting in lieu thereof the figures "1942."

1926, c. 108, s. 5, subs. 2, amended. 1929, c. 128. 1935, c. 100. **4.** Subsection 2 of section 5 of *The Township of York Act, 1926*, as amended by section 15 of *The Township of York Act, 1929*, and as amended by section 3 of *The Township of York*

Act, 1935, is further amended by striking out the figures "1939" where they occur in the said subsection and inserting in lieu thereof the figures "1944."

New dwelling houses may be exempted from certain taxation.

5.—(1) The council of the said corporation may by by-law, which for its validity shall not require the assent of the electors qualified to vote on money by-laws, exempt wholly or partially from municipal taxation except taxation for school purposes and local improvements for the whole or any part of the period of five years next ensuing from and after the 1st day of January, 1938, all new dwelling houses erected in the said township during the said period.

Previous by-law abrogated.

(2) The provisions of the by-law passed by the council of the said corporation under the authority of section 9 of *The Township of York Act, 1935*, shall cease to apply to any dwelling houses erected in the said township after the date upon which new dwelling houses become entitled to exemption under the provisions of a by-law passed under the authority of this section.

1935, c. 100.

York Township deemed city for purposes of Rev. Stat., c. 266, s. 81, subs. 2.

6. For the purposes of subsection 2 of section 81 of *The Municipal Act* the township of York shall be deemed a city having a population of not less than 100,000.

York Township deemed city for purposes of Rev. Stat., c. 288, s. 26.

7. For the purposes of section 26 of *The Highway Traffic Act* the township of York shall be deemed a city.

Payment of certain moneys due Township of York.

8.—(1) Where under the provisions of any general or special Act the corporation of any municipality is liable to the corporation of the township of York for payment of moneys representing a share of the debentures issued by the corporation of the said township, and payment in part or in full of any such liability has been heretofore or is hereafter made to the corporation of the said township, then the corporation making such payment shall be exonerated from any further liability to the said township or any other person or corporation in respect of the payment or payments made.

1934, c. 75, s. 5, repealed.

(2) Section 5 of *The Village of Forest Hill Act, 1934*, is repealed.

Provisions respecting the local board of health.

9.—(1) During the period in which an agreement is in force between The Local Board of Health of the Township of York and The Board of Education for the Township of York purporting to be made under the provisions of section 91 of *The Public Health Act*, the said local board of health shall consist of the head of the municipality, the medical officer of health and three resident ratepayers of the municipality, one of whom shall be appointed annually by the council at its first meeting, and the remaining two shall be appointed

Rev. Stat., c. 299.

annually by the said board of education, either or both of whom may, but need not, be members of the said board of education.

Vacancy.

(2) Whenever a vacancy occurs on the said local board of health in the case of a member appointed by the said board of education, the said board of education shall at its first meeting thereafter appoint a resident ratepayer of the municipality to fill such vacancy.

1934, c. 104, s. 2, subs. 2, amended.

10. Subsection 2 of section 2 of *The Township of York Act, 1934*, is amended by striking out the word "eleven" where it occurs in the first line and inserting in lieu thereof the words "the following," and by striking out the clause lettered *b* in the said subsection and substituting therefor the following:

Composition of board.

(*b*) such member or members as are appointed by the council of the county of York in accordance with the provisions of *The High Schools Act*.

RECEIVED

RECEIVED

BILL

An Act respecting the Township of York.

1st Reading

March 15th, 1938

2nd Reading

April 5th, 1938

3rd Reading

April 7th, 1938

MR. GARDHOUSE

1938

No. 27

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Ontario Academy of Osteopathy and the Associated Chiropractors and Drugless Therapists of Ontario.

MR. BLAKELOCK

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 27 1938

BILL

An Act respecting the Ontario Academy of Osteopathy and the Associated Chiropractors and Drugless Therapists of Ontario.

Preamble.

WHEREAS the Ontario Academy of Osteopathy, by Norman Wilton Routledge of the city of Chatham, Ontario, Eldon Shantz Detwiler, of the city of London, Ontario, and Edgar Devitt Heist of the city of Kitchener, Ontario, and The Associated Chiropractors and Drugless Therapists of Ontario, of the city of Toronto, Ontario, have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Medical (Osteopaths, Chiropractors and Drugless Therapists) Amendment Act, 1938.*

Rev. Stat., c. 225, s. 49, subs. 2, amended.

2. Subsection 2 of section 49 of *The Medical Act* is amended by adding at the end thereof the following words: "nor to any chiropractor, drugless therapist or osteopath registered under *The Drugless Practitioners Act* who may be allowed to use any such title, affix or prefix by regulation of the Board of Regents established under the said Act," so that the said subsection shall now read as follows:

Exception as to dentists, chiropractors, drugless therapists and osteopaths.

Rev. Stat., cc. 227, 229.

(2) Subsection 1 shall not apply to any licentiate of dental surgery or any other person admitted to practise dentistry or dental surgery under the provisions of *The Dentistry Act*, nor to any chiropractor, drugless therapist or osteopath registered under *The Drugless Practitioners Act* who may be allowed to use any such title, affix or prefix by regulation of the Board of Regents established under the said Act.

BILL

An Act respecting the Ontario Academy of Osteopathy and the Associated Chiropractors and Drugless Therapists of Ontario.

1st Reading

2nd Reading

3rd Reading

MR. BLAKELOCK

(*Private Bill*)

1938

No. 28

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Peterborough.

MR. ELLIOTT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 28 1938

BILL

An Act respecting the City of Peterborough.

Preamble. WHEREAS the corporation of the city of Peterborough has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The City of Peterborough Act, 1938*.

Certain surplus to be paid to city. **2.** Notwithstanding the provisions of any general or special Act, The Peterborough City Trust shall on or before the 30th day of June in the years 1938, 1939, 1940, 1941 and 1942 pay to the corporation of the city of Peterborough all that portion of its accumulated surplus reserve fund in excess of $225,000 in each of the said years, as shown on its books on the 31st day of December in each of the said years as reported by the auditor of the corporation, and the said corporation shall apply and appropriate that portion of the said accumulated surplus reserve fund to which it shall be entitled each year in whole or in part for current or capital expenditure for general city purposes or either in whole or in part for the purpose of reduction of the general municipal tax rate levied or to be levied for the said years.

Where such payments not made. **3.** In the event of the non-payment of the said moneys as provided in section 2, the corporation may withhold the amount thereof from and set off such amount against any moneys payable by the corporation to The Peterborough City Trust under section 25 of chapter 104 of the Statutes of Ontario, 1908.

Rev. Stat. c. 266, s. 323 not to apply. **4.** In the exercise of the powers conferred upon the council of the corporation by this Act section 323 of *The Municipal Act* shall not be applicable.

RECEIVED

BILL

An Act respecting the City of Peterborough.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. ELLIOTT

(*Private Bill*)

1938

No. 29

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of London.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 29 1938

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of London Act, 1938*.

Powers of Housing Commission declared.

2. Notwithstanding by-law numbered A-11-28 passed by the council of the corporation on the 15th day of October, 1928, it is hereby declared that the Housing Commission appointed by by-law numbered 5889 passed by the said council on the 21st day of April, 1919, has had since the 21st day of April, 1919, and shall continue to have all the rights, powers and duties conferred upon a housing commission by *The Municipal Housing Commission Act, 1920*, in the same manner and to the same extent as if section 3 of the said by-law numbered A-11-28 had not been passed.

1920, c. 84.

Exchange of lands authorized and confirmed.

3. The council of the corporation is hereby authorized to exchange any lands owned by the corporation for other lands in the city of London which were flooded during the year 1937, and such exchanges heretofore made are hereby validated and confirmed.

1887, c. 58, s. 2, re-enacted.

4.—(1) Section 2 of the Act intituled *An Act respecting the General Hospital of the City of London*, passed in the 50th year of the reign of Her late Majesty, Queen Victoria, and chaptered 58, is repealed and the following substituted therefor:

Constitution of Board.

2.—(1) The Board shall be a body politic and corporate and shall be composed of seven members, one of whom shall be the mayor for the time being of the said city, *ex officio*, three members to be elected by the municipal electors as hereinafter provided, one

member to be appointed by the county council of the county of Middlesex, one member to be appointed by the Lieutenant-Governor in Council and one member to be appointed by the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek; the members to be elected by the municipal electors shall be elected as follows: three members shall be elected at the first annual election after the passing of this Act, and the member receiving the lowest number of votes shall retire at the end of the first year, the one receiving the second lowest number of votes shall retire at the end of the second year, and the one receiving the highest number of votes shall retire at the end of the third year, and in each year after the first annual election after the passing of this Act one member shall be elected and shall hold office for the term of three years.

(2) In the event of any two of the members elected at the first annual election after the passing of this Act having an equal number of votes the clerk of the city of London shall have a casting vote, and in the event of the three members elected at the first annual election after the passing of this Act being elected by acclamation the municipal council of the said city shall, by resolution, forthwith determine the term of office of each of the three members elected at the first annual election after the passing of this Act.

1887, c. 58, s. 3, subs. 3 amended.

(2) Subsection 3 of section 3 of the said Act is amended by striking out the words "and the members so elected shall hold office for two years, except in the case of the members first elected, one of whom shall retire at the end of the first year as may be determined by lot at the first meeting of the Board" at the end thereof, so that the said subsection shall now read as follows:

Election by municipal electors.

(3) The members of the Board elected by the municipal electors of the city of London shall be elected at the annual municipal elections, and all the provisions of *The Consolidated Municipal Act, 1883*, respecting the nomination, election, unseating, grounds of disqualification and otherwise, of mayors shall apply to the election of the said members.

1883, c. 18.

1887, c. 58, s. 8, re-enacted.

(3) Section 8 of the said Act is repealed and the following substituted therefor:

Persons disqualified.

8. No member of the Board shall be a member of the city council with the exception of the mayor, and

no officer or servant in the employment of the city council shall be a member of the Board.

$100,000 debenture by-law authorized re Western Fair Association debentures.

5. The corporation may, with the approval of the Ontario Municipal Board, pass a by-law to borrow, and may borrow, a sum not exceeding $100,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest not exceeding four per centum per annum as the council of the corporation may determine, to provide moneys to redeem the debentures issued by the Western Fair Association under the authority of section 7 of *The City of London Act, 1923*, and guaranteed by the corporation under the provisions of the said Act; provided that it shall not be necessary for the corporation to observe the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

1923, c. 72.

Proviso.

Rev. Stat., c. 266.

Irregularities not to invalidate.

6. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action brought against the corporation for the recovery of the amount thereof, or any part thereof, or the interest thereon.

BILL

An Act respecting the City of London.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

1938

No. 29

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of London.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 29 1938

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of London Act, 1938*.

Powers of Housing Commission declared.

2. Notwithstanding by-law numbered A-11-28 passed by the council of the corporation on the 15th day of October, 1928, it is hereby declared that the Housing Commission appointed by by-law numbered 5889 passed by the said council on the 21st day of April, 1919, has had since the 21st day of April, 1919, and shall continue to have all the rights, powers and duties conferred upon a housing commission by *The Municipal Housing Commission Act, 1920*, in the same manner and to the same extent as if section 3 of the said by-law numbered A-11-28 had not been passed.

1920, c. 84.

Exchange of lands authorized and confirmed.

3. The council of the corporation is hereby authorized to exchange any lands owned by the corporation for other lands in the city of London which were flooded during the year 1937, and such exchanges heretofore made are hereby validated and confirmed.

1887, c. 58, s. 2, re-enacted.

4.—(1) Section 2 of the Act intituled *An Act respecting the General Hospital of the City of London*, passed in the 50th year of the reign of Her late Majesty, Queen Victoria, and chaptered 58, is repealed and the following substituted therefor:

Constitution of Board.

2.—(1) The Board shall be a body politic and corporate and shall be composed of seven members, one of whom shall be the mayor for the time being in the said city, *ex officio*, three members shall be appointed annually as follows: one member by the county

council of the county of Middlesex, one member by the Lieutenant-Governor in Council and one member by the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek; and the remaining three members shall be elected by the municipal electors as follows: two members shall be elected at the municipal election to be held in December, 1938, and the member receiving the lower number of votes shall retire at the end of the second year and the member receiving the higher number of votes shall retire at the end of the third year, and commencing with the municipal election to be held in the year 1939, and in each year thereafter, one such member shall be elected who shall retire at the end of the third year.

(2) W. S. Lashbrook, Esquire, shall be and remain a member until December 31st, 1938, and Col. W. H. Kippen shall be and remain a member until December 31st, 1939.

(3) In the event that the two members elected at the municipal election to be held in December, 1938, receive an equal number of votes the clerk of the corporation of the city of London shall have a casting vote, and in the event that such two members are elected by acclamation the council of the said corporation shall forthwith by resolution determine which of such members shall retire at the end of the second year and which of such members shall retire at the end of the third year.

1887, c. 58, s. 3, subs. 3 amended.

(2) Subsection 3 of section 3 of the said Act is amended by striking out the words "and the members so elected shall hold office for two years, except in the case of the members first elected, one of whom shall retire at the end of the first year as may be determined by lot at the first meeting of the Board" at the end thereof, so that the said subsection shall now read as follows:

Election by municipal electors.

(3) The members of the Board elected by the municipal electors of the city of London shall be elected at the annual municipal elections, and all the provisions of *The Consolidated Municipal Act, 1883*, respecting the nomination, election, unseating, grounds of disqualification and otherwise, of mayors shall apply to the election of the said members.

1883, c. 18.

$100,000 debenture by-law authorized re Western Fair Association debentures.

5. The corporation may, with the approval of the Ontario Municipal Board, pass a by-law to borrow, and may borrow, a sum not exceeding $100,000, and may issue debentures

therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest not exceeding four per centum per annum as the council of the corporation may determine, to provide moneys to redeem the debentures issued by the Western Fair Association under the authority of section 7 of *The City of London Act, 1923*, and guaranteed by the corporation under the provisions of the said Act; provided that it shall not be necessary for the corporation to observe the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

1923, c. 72.

Proviso.

Rev. Stat., c. 266.

Irregularities not to invalidate.

6. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action brought against the corporation for the recovery of the amount thereof, or any part thereof, or the interest thereon.

BILL

An Act respecting the City of London.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. DUNCAN

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 29

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of London.

MR. DUNCAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 29 1938

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of London Act, 1938*.

Powers of Housing Commission declared.

2. Notwithstanding by-law numbered A-11-28 passed by the council of the corporation on the 15th day of October, 1928, it is hereby declared that the Housing Commission appointed by by-law numbered 5889 passed by the said council on the 21st day of April, 1919, has had since the 21st day of April, 1919, and shall continue to have all the rights, powers and duties conferred upon a housing commission by *The Municipal Housing Commission Act, 1920*, in the same manner and to the same extent as if section 3 of the said by-law numbered A-11-28 had not been passed.

1920, c. 84.

Exchange of lands authorized and confirmed.

3. The council of the corporation is hereby authorized to exchange any lands owned by the corporation for other lands in the city of London which were flooded during the year 1937, and such exchanges heretofore made are hereby validated and confirmed.

1887, c. 58, s. 2, re-enacted.

4.—(1) Section 2 of the Act intituled *An Act respecting the General Hospital of the City of London*, passed in the 50th year of the reign of Her late Majesty, Queen Victoria, and chaptered 58, is repealed and the following substituted therefor:

Constitution of Board.

2.—(1) The Board shall be a body politic and corporate and shall be composed of seven members, one of whom shall be the mayor for the time being in the said city, *ex officio*, three members shall be appointed annually as follows: one member by the county

council of the county of Middlesex, one member by the Lieutenant-Governor in Council and one member by the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek; and the remaining three members shall be elected by the municipal electors as follows: two members shall be elected at the municipal election to be held in December, 1938, and the member receiving the lower number of votes shall retire at the end of the second year and the member receiving the higher number of votes shall retire at the end of the third year, and commencing with the municipal election to be held in the year 1939, and in each year thereafter, one such member shall be elected who shall retire at the end of the third year.

(2) W. S. Lashbrook, Esquire, shall be and remain a member until December 31st, 1938, and Col. W. H. Kippen shall be and remain a member until December 31st, 1939.

(3) In the event that the two members elected at the municipal election to be held in December, 1938, receive an equal number of votes the clerk of the corporation of the city of London shall have a casting vote, and in the event that such two members are elected by acclamation the council of the said corporation shall forthwith by resolution determine which of such members shall retire at the end of the second year and which of such members shall retire at the end of the third year.

1887, c. 58, s. 3, subs. 3 amended.

(2) Subsection 3 of section 3 of the said Act is amended by striking out the words "and the members so elected shall hold office for two years, except in the case of the members first elected, one of whom shall retire at the end of the first year as may be determined by lot at the first meeting of the Board" at the end thereof, so that the said subsection shall now read as follows:

Election by municipal electors.

(3) The members of the Board elected by the municipal electors of the city of London shall be elected at the annual municipal elections, and all the provisions of *The Consolidated Municipal Act, 1883*, respecting the nomination, election, unseating, grounds of disqualification and otherwise, of mayors shall apply to the election of the said members.

1883, c. 18.

$100,000 debenture by-law authorized re Western Fair Association debentures.

5. The corporation may, with the approval of the Ontario Municipal Board, pass a by-law to borrow, and may borrow, a sum not exceeding $100,000, and may issue debentures

therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest not exceeding four per centum per annum as the council of the corporation may determine, to provide moneys to redeem the debentures issued by the Western Fair Association under the authority of section 7 of *The City of London Act, 1923*, and guaranteed by the corporation under the provisions of the said Act; provided that it shall not be necessary for the corporation to observe the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

1923, c. 72.

Proviso.

Rev. Stat., c. 266.

Irregularities not to invalidate.

6. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action brought against the corporation for the recovery of the amount thereof, or any part thereof, or the interest thereon.

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BILL

An Act respecting the City of London.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. DUNCAN

1938

No. 30

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Township of East York.

Mr. Henry

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

RECEIVED

No. 30 1938

BILL

An Act respecting the Township of East York.

Preamble.

WHEREAS the corporation of the township of East York has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of East York Act, 1938*.

1937, c. 88, s. 2, subs. 2, amended.

2. Subsection 2 of section 2 of *The Township of East York Act, 1937*, is amended by striking out the figures "1938" in the second line and inserting in lieu thereof the figures "1943."

RECEIVED

BILL

An Act respecting the Township of East York.

1st Reading

2nd Reading

3rd Reading

MR. HENRY

(*Private Bill*)

1938

No. 30

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of East York.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED
RECEIVED

No. 30 1938

BILL

An Act respecting the Township of East York.

Preamble. WHEREAS the corporation of the township of East York has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of East York Act, 1938*.

1937, c. 88, s. 2, subs. 2, amended. **2.** Subsection 2 of section 2 of *The Township of East York Act, 1937*, is amended by striking out the figures "1938" in the second line and inserting in lieu thereof the figures "1943."

BILL

An Act respecting the Township of East York.

1st Reading

March 15th, 1938

2nd Reading

March 23rd, 1938

3rd Reading

March 28th, 1938

MR. HENRY

1938

No. 31

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit William Edwards MacDonald as a Barrister.

MR. GARDHOUSE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 31 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit William Edwards MacDonald as a Barrister.

Preamble.

WHEREAS William Edwards MacDonald, of the city of Toronto, in the Province of Ontario, has by his petition set forth that he was educated in the public and middle schools of the Province of Ontario; that family responsibilities compelled him to seek employment, thus preventing him from writing matriculation examinations, and he became a journalist; that on the 1st day of December, 1918, he was duly articled as a student-at-law to the late W. K. Murphy, K.C., a practising solicitor in the Province of Ontario, but that he was unable to file his articles of clerkship with the Law Society of Upper Canada because of the absence of a matriculation certificate; that in the year 1924 the Private Bills Committee of the Ontario Legislature ordered reported a Bill authorizing the said Law Society of Upper Canada to admit him as a student-at-law in his third year, but the representatives of the said Society subsequently induced him to request the withdrawal of the said Bill on the understanding that the said Society would obtain the necessary authority to admit him as a student-at-law; that for over eighteen years the said William Edwards MacDonald has been engaged in the practise of law with practising solicitors in the Province of Ontario and has gained valuable experience in all branches of law, particularly municipal and criminal law; that he has carried on a wide practice as counsel or agent in courts wherein he is entitled to appear and that his ability as a counsel or agent has been favourably commented upon by members of the legal profession; that during the past eleven years he has occupied many public offices, including that of warden of the county of York; that because of his failure to file a matriculation certificate with the said Society he has been unable to write the examinations provided by it, and his present practice as a notary public, conveyancer and agent, together with his financial responsibilities, make it impossible for him to comply with the rules and regulations of the said Society; and whereas the said William Edwards MacDonald has prayed that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise

as a Barrister in His Majesty's Courts in the Province of Ontario.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to admit to practise.

1. It shall and may be lawful for the Law Society of Upper Canada, at any. time hereafter, to admit the said William Edwards MacDonald to practise at the Bar of His Majesty's Courts in Ontario, on his paying the proper fees in that behalf, and without complying with any other requirements of the law or any other rules or regulations of the said Society.

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BILL

An Act to authorize the Law Society of Upper Canada to admit William Edwards MacDonald as a Barrister.

1st Reading

2nd Reading

3rd Reading

MR. GARDHOUSE

(*Private Bill*)

1938

No. 31

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit William Edwards MacDonald as a Barrister.

MR. GARDHOUSE

TORONTO
PRINTED BY T. E. BOWMAN
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Preamble.

WHEREAS William Edwards MacDonald, of the city of Toronto, in the Province of Ontario, has by his petition set forth that he was educated in the public and middle schools of the Province of Ontario; that family responsibilities compelled him to seek employment, thus preventing him from writing matriculation examinations, and he became a journalist; that he was unable to file his articles of clerkship with the Law Society of Upper Canada because of the absence of a matriculation certificate; that in the year 1924 the Private Bills Committee of the Ontario Legislature ordered reported a Bill authorizing the said Law Society of Upper Canada to admit him as a student-at-law in his third year, but the representatives of the said Society subsequently induced him to request the withdrawal of the said Bill on the understanding that the said Society would obtain the necessary authority to admit him as a student-at-law; that for over eighteen years the said William Edwards MacDonald has been engaged in the practice of law with practising solicitors in the Province of Ontario and has gained valuable experience in all branches of law, particularly municipal and criminal law; that he has carried on a wide practice as counsel or agent in courts wherein he is entitled to appear and that his ability as a counsel or agent has been favourably commented upon by members of the legal profession; that during the past eleven years he has occupied many public offices, including that of warden of the county of York; that because of his failure to file a matriculation certificate with the said Society he has been unable to write the examinations provided by it, and his present practice as a notary public, conveyancer and agent, together with his financial responsibilities, make it impossible for him to comply with the rules and regulations of the said Society; and whereas the said William Edwards MacDonald has prayed that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise as a Barrister in His Majesty's Courts in the Province of Ontario.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Law Society of Upper Canada, at any time hereafter, to admit the said William Edwards MacDonald to practise at the Bar of His Majesty's Courts in Ontario, on his paying the proper fees in that behalf, and without complying with any other requirements of the law or any other rules or regulations of the said Society. Authority to admit to practise.

BILL

An Act to authorize the Law Society of Upper Canada to admit William Edwards MacDonald as a Barrister.

1st Reading

March 15th, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. GARDHOUSE

1938

No. 32

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Fort William.

MR. SPENCE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED

No. 32 1938

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the city of Fort William has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Fort William Act, 1938*.

By-law 3493 and agreement with Canadian Car and Foundry Company Limited confirmed.

2. By-law numbered 3493 of the corporation intituled "A By-law to authorize a certain Agreement with Canadian Car and Foundry Company Limited" and the said agreement as set forth in Schedule A hereto are hereby confirmed and declared to be legal, valid and binding.

Airport to have fixed assessment.

3. Any land in the township of Neebing in the municipality of Neebing acquired by the corporation for the purposes of an airport, and any buildings, erections and improvements thereon, shall, while used by the corporation as an airport but not exceeding a period of ten years from the 1st day of January, 1939, have a fixed assessment including business assessment of an amount equal to $80 per acre, provided that such fixed assessment shall not affect or apply to taxation for school purposes.

Election of council.

4.—(1) Commencing with the first municipal election held after the coming into force of this Act and thereafter, the council of the corporation shall consist of a mayor and twelve aldermen who shall be elected by general vote of the municipal electors and, except as hereinafter provided, shall remain in office for a term of two years.

(2) Of the aldermen elected at the first election held after the coming into force of this Act, the six receiving the highest number of votes shall remain in office for a term of two years and the six receiving the lowest number of votes shall remain in office for a term of one year, provided if two or more such

aldermen receive an equal number of votes or if all the aldermen are elected by acclamation and no agreement as to which of them shall retire, as aforesaid, is reached at the first meeting of the council, then at the next meeting thereof the question shall be determined by lot to be cast by the clerk of the corporation in the presence of the council and the result thereof shall be entered upon the minutes of the meeting.

(3) At every election, other than the first, six aldermen shall be elected.

(4) The retiring mayor and aldermen shall be eligible for re-election if otherwise qualified.

Power to constitute Board of Trustees.

5.—(1) The council of the corporation may by by-law constitute a Board of Trustees to manage and deal with the sinking fund of the corporation and all lands acquired by the corporation at any tax sale or in exchange therefor in the same manner and with the said powers, privileges, immunities and liabilities as the said council and its members may now do and have under *The Municipal Act.*

Rev. Stat., c. 266.

Constitution of Board.

(2) The Board shall consist of three resident ratepayers of the municipality who are not members of the council and who may be disqualified for the same reasons for which a member of the council may be disqualified, one member to be appointed by the council and the remaining two members by a judge of the district court of the district of Thunder Bay, provided that in the case of the retirement, disqualification, absence, illness or death of any such member another appointment shall be made in the manner above provided for the balance of such member's term.

Term of office.

(3) The first members of the Board shall hold office until the 31st day of December, 1943, and thereafter each member shall be appointed for a term of five calendar years.

(4) The members shall at the first meeting in every year elect a chairman from among themselves, and the treasurer of the corporation shall act as secretary of the Board.

Quorum.

(5) Two members of the Board shall constitute a quorum.

Power to deal with lands acquired at tax sales.

6. It is hereby declared that the corporation has had and shall continue to have power to lease, option, exchange or sell any lands acquired by it at any tax sale, to take and hold any lands exchanged therefor, and to convey such lands to any person.

SCHEDULE A

CITY OF FORT WILLIAM

BY-LAW No. 3493

A By-law to authorize a certain agreement with Canadian Car and Foundry Company Limited.

WHEREAS the Council of The Corporation of the City of Fort William deem it advisable that the City should enter into the Agreement set forth in Schedule "A" hereto with Canadian Car and Foundry Company Limited;

NOW THEREFORE The Corporation of The City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an Agreement with Canadian Car and Foundry Company Limited to the effect set forth in Schedule "A" hereto and the Mayor and Clerk of the said City for the time being may sign, seal with the corporate seal, execute and deliver such Agreement on behalf of The Corporation of the City of Fort William.

GIVEN under the corporate seal of The Corporation of the City of Fort William as witnessed by the hands of its proper officers in that behalf, this 23rd day of March, A.D. 1937.

(Sgd.) B. C. HARDIMAN,
Mayor.
(Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "A" TO BY-LAW No. 3493

MEMORANDUM OF AGREEMENT made in triplicate this 25th day of January, A.D. 1937,

BETWEEN:

CANADIAN CAR AND FOUNDRY COMPANY LIMITED
(hereinafter called the "Company")

OF THE FIRST PART;

—and—

THE CORPORATION OF THE CITY OF FORT WILLIAM
(hereinafter called the "City")

OF THE SECOND PART.

WHEREBY the Company and the City mutually covenant, promise and agree with each other as follows:

1. The Company will proceed forthwith to improve its present plant in the City of Fort William and to instal therein new equipment so as to enable the present plant to manufacture aeroplanes and other manufactured products. Such improvements and installation of such new equipment shall be fully completed within one year from the date hereof.

2. In each calendar year commencing with the year 1939 until and including the calendar year 1946, the Company is to carry on manufacturing operations in connection with such plant, works and equipment, so as to employ a sufficient number of men for a sufficient number of working days to equal not less than one hundred men for two hundred and fifty days or two hundred thousand man hours per year.

3. The City will and doth hereby exempt for a period of ten years from and including the calendar year 1937 all property of the Company in the City of Fort William used for manufacturing purposes from all general municipal taxes (including business taxes) of the City but excepting and not including school taxes, local improvement rates and taxes imposed for unemployment relief.

The above exemption shall include and apply to not only property of the Company used for manufacturing purposes but also to property of its subsidiaries (controlled and/or owned in whole or in part) used for manufacturing purposes, on the lands now owned by the Company in the City or on lands nearby which may hereafter be acquired and used in connection with the lands now owned.

Provided however that the Company has complied with the provisions of Paragraph One hereof.

Provided however that dwelling houses or stores hereafter erected on the lands of the Company or its subsidiaries shall not be exempt from taxation hereunder.

4. In the event of the Company failing to comply with Paragraph Two hereof in any calendar year from and including 1939 to and including the calendar year 1946 then the Company shall not be entitled to any exemption from taxation for the calendar year in which such default occurs but in case of such default the taxes to be paid shall be based on the Company's 1937 assessment.

5. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty days from the receipt by the Company of a Notice in writing by the authorized officers of the City, acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this Agreement for the reasons mentioned in said Notice.

6. The Council of the City of Fort William may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

7. This Agreement shall not come into force or effect until and unless approved by the ratepayers of the said City.

8. The City will, at its own expense, if required by the Company, apply for a ratification of this contract, and the by-law based thereon, by the Legislature of the Province of Ontario, at its next session, and use its best endeavours to procure the same.

9. Time shall be the essence of this Agreement.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

In Witness Whereof the corporate seals of the Company and City respectively and the hands of their respective proper officers in that behalf.

Canadian Car and Foundry Company Limited, per

(Signed) W. W. Butler,
President.
(Signed) A. C. Bourne,
Secretary.
(Seal)

The Corporation of The City of Fort William, per

(Signed) B. C. Hardiman, M.D.,
Mayor.
(Signed) A. McNaughton,
Clerk.
(Seal)

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BILL

An Act respecting the City of Fort William

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. SPENCE

(*Private Bill*)

1938

No. 32

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the City of Fort William.

MR. SPENCE

(PRIVATE BILL)

TORONTO
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Preamble.

WHEREAS the city of Fort William has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Fort William Act, 1938.*

By-law 3493 and agreement with Canadian Car and Foundry Company Limited confirmed.

2. By-law numbered 3493 of the corporation intituled "A By-law to authorize a certain Agreement with Canadian Car and Foundry Company Limited" and the said agreement as set forth in Schedule A hereto are hereby confirmed and declared to be legal, valid and binding.

Airport to have fixed assessment.

3. Any land in the township of Neebing in the municipality of Neebing acquired by the corporation for the purposes of an airport, and any buildings, erections and improvements thereon, shall, while used by the corporation as an airport but not exceeding a period of ten years from the 1st day of January, 1939, have a fixed assessment including business assessment of an amount equal to $80 per acre, provided that such fixed assessment shall not affect or apply to taxation for school purposes.

Election of council.

4.—(1) Commencing with the first municipal election held after the coming into force of this Act and thereafter, the council of the corporation shall consist of a mayor and twelve aldermen who shall be elected by general vote of the municipal electors and, except as hereinafter provided, shall remain in office for a term of two years.

(2) Of the aldermen elected at the first election held after the coming into force of this Act, the six receiving the highest number of votes shall remain in office for a term of two years and the six receiving the lowest number of votes shall remain in office for a term of one year, provided if two or more such

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aldermen receive an equal number of votes or if all the aldermen are elected by acclamation and no agreement as to which of them shall retire, as aforesaid, is reached at the first meeting of the council, then at the next meeting thereof the question shall be determined by lot to be cast by the clerk of the corporation in the presence of the council and the result thereof shall be entered upon the minutes of the meeting.

(3) At every election, other than the first, six aldermen shall be elected.

(4) The retiring mayor and aldermen shall be eligible for re-election if otherwise qualified.

Power to constitute Board of Trustees.

5.—(1) The council of the corporation may by by-law constitute a Board of Trustees to manage, control and deal with the sinking fund of the corporation and all lands acquired by the corporation at any tax sale or in exchange therefor in the same manner and with the same powers, privileges, immunities and liabilities as the council and its members have under *The Municipal Act*, provided that each member of the Board shall before taking office give security in such sum and in such manner as may be required by the council for the due performance of the trust reposed in him.

Rev. Stat., c. 266.

Constitution of Board.

(2) The Board shall consist of three resident ratepayers of the municipality who are not members of the council and who may be disqualified for the same reasons a member of the council may be disqualified; one member to be appointed by the council and the remaining two members by the senior judge of the district court of the district of Thunder Bay, provided that in the case of the retirement, disqualification, absence, illness or death of any such member another appointment shall be made in the manner above provided for the balance of such member's term of office.

Term of office.

(3) The first members of the Board shall hold office until the 31st day of December, 1943, and thereafter each member shall be appointed for a term of five calendar years.

Chairman.

Secretary.

(4) The members shall at the first meeting in every year elect a chairman from among themselves and the treasurer of the corporation shall act as secretary of the Board.

Quorum.

(5) Two members of the Board shall constitute a quorum.

Audit.

(6) The accounts of the Board shall be audited in such manner and at such times as the council may require.

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Annual statement of requirements.

(7) The Board shall on or before the 1st day of February in each year submit to the council a statement in writing showing the amount required during the current year for sinking fund purposes, and the council shall thereupon levy a special rate upon the rateable property in the municipality liable therefor sufficient to return the amount so required and such amount shall be paid to the Board upon its demand.

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SCHEDULE A

CITY OF FORT WILLIAM

BY-LAW No. 3493

A By-law to authorize a certain agreement with Canadian Car and Foundry Company Limited.

WHEREAS the Council of The Corporation of the City of Fort William deem it advisable that the City should enter into the Agreement set forth in Schedule "A" hereto with Canadian Car and Foundry Company Limited;

NOW THEREFORE The Corporation of The City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an Agreement with Canadian Car and Foundry Company Limited to the effect set forth in Schedule "A" hereto and the Mayor and Clerk of the said City for the time being may sign, seal with the corporate seal, execute and deliver such Agreement on behalf of The Corporation of the City of Fort William.

GIVEN under the corporate seal of The Corporation of the City of Fort William as witnessed by the hands of its proper officers in that behalf, this 23rd day of March, A.D. 1937.

(Sgd.) B. C. HARDIMAN,
Mayor.
(Sgd.) A. MCNAUGHTON,
Clerk.

SCHEDULE "A" TO BY-LAW No. 3493

MEMORANDUM OF AGREEMENT made in triplicate this 25th day of January, A.D. 1937,

BETWEEN:

CANADIAN CAR AND FOUNDRY COMPANY LIMITED
(hereinafter called the "Company")

OF THE FIRST PART;

—and—

THE CORPORATION OF THE CITY OF FORT WILLIAM
(hereinafter called the "City")

OF THE SECOND PART.

WHEREBY the Company and the City mutually covenant, promise and agree with each other as follows:

1. The Company will proceed forthwith to improve its present plant in the City of Fort William and to instal therein new equipment so as to enable the present plant to manufacture aeroplanes and other manufactured products. Such improvements and installation of such new equipment shall be fully completed within one year from the date hereof.

2. In each calendar year commencing with the year 1939 until and including the calendar year 1946, the Company is to carry on manufacturing operations in connection with such plant, works and equipment, so as to employ a sufficient number of men for a sufficient number of working days to equal not less than one hundred men for two hundred and fifty days or two hundred thousand man hours per year.

3. The City will and doth hereby exempt for a period of ten years from and including the calendar year 1937 all property of the Company in the City of Fort William used for manufacturing purposes from all general municipal taxes (including business taxes) of the City but excepting and not including school taxes, local improvement rates and taxes imposed for unemployment relief.

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The above exemption shall include and apply to not only property of the Company used for manufacturing purposes but also to property of its subsidiaries (controlled and/or owned in whole or in part) used for manufacturing purposes, on the lands now owned by the Company in the City or on lands nearby which may hereafter be acquired and used in connection with the lands now owned.

Provided however that the Company has complied with the provisions of Paragraph One hereof.

Provided however that dwelling houses or stores hereafter erected on the lands of the Company or its subsidiaries shall not be exempt from taxation hereunder.

4. In the event of the Company failing to comply with Paragraph Two hereof in any calendar year from and including 1939 to and including the calendar year 1946 then the Company shall not be entitled to any exemption from taxation for the calendar year in which such default occurs but in case of such default the taxes to be paid shall be based on the Company's 1937 assessment.

5. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty days from the receipt by the Company of a Notice in writing by the authorized officers of the City, acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this Agreement for the reasons mentioned in said Notice.

6. The Council of the City of Fort William may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

7. This Agreement shall not come into force or effect until and unless approved by the ratepayers of the said City.

8. The City will, at its own expense, if required by the Company, apply for a ratification of this contract, and the by-law based thereon, by the Legislature of the Province of Ontario, at its next session, and use its best endeavours to procure the same.

9. Time shall be the essence of this Agreement.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

In Witness Whereof the corporate seals of the Company and City respectively and the hands of their respective proper officers in that behalf.

Canadian Car and Foundry Company Limited, per

(Signed) W. W. Butler,
President.
(Signed) A. C. Bourne,
Secretary.
(Seal)

The Corporation of The City of Fort William, per

(Signed) B. C. Hardiman, M.D.,
Mayor.
(Signed) A. McNaughton,
Clerk.
(Seal)

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BILL

An Act respecting the City of Fort William

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. SPENCE

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 32

2ND SESSION, 20TH LEGISLATURE, ONTARIO
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2. By-law numbered 3493 of the corporation intituled "A By-law to authorize a certain Agreement with Canadian Car and Foundry Company Limited" and the said agreement as set forth in Schedule A hereto are hereby confirmed and declared to be legal, valid and binding.

Airport to have fixed assessment.

3. Any land in the township of Neebing in the municipality of Neebing acquired by the corporation for the purposes of an airport, and any buildings, erections and improvements thereon, shall, while used by the corporation as an airport but not exceeding a period of ten years from the 1st day of January, 1939, have a fixed assessment including business assessment of an amount equal to $80 per acre, provided that such fixed assessment shall not affect or apply to taxation for school purposes.

Election of council.

4.—(1) Commencing with the first municipal election held after the coming into force of this Act and thereafter, the council of the corporation shall consist of a mayor and twelve aldermen who shall be elected by general vote of the municipal electors and, except as hereinafter provided, shall remain in office for a term of two years.

(2) Of the aldermen elected at the first election held after the coming into force of this Act, the six receiving the highest number of votes shall remain in office for a term of two years and the six receiving the lowest number of votes shall remain in office for a term of one year, provided if two or more such

aldermen receive an equal number of votes or if all the aldermen are elected by acclamation and no agreement as to which of them shall retire, as aforesaid, is reached at the first meeting of the council, then at the next meeting thereof the question shall be determined by lot to be cast by the clerk of the corporation in the presence of the council and the result thereof shall be entered upon the minutes of the meeting.

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(4) The retiring mayor and aldermen shall be eligible for re-election if otherwise qualified.

Power to constitute Board of Trustees.

5.—(1) The council of the corporation may by by-law constitute a Board of Trustees to manage, control and deal with the sinking fund of the corporation and all lands acquired by the corporation at any tax sale or in exchange therefor in the same manner and with the same powers, privileges, immunities and liabilities as the council and its members have under *The Municipal Act*, provided that each member of the Board shall before taking office give security in such sum and in such manner as may be required by the council for the due performance of the trust reposed in him.

Rev. Stat., c. 266.

Constitution of Board.

(2) The Board shall consist of three resident ratepayers of the municipality who are not members of the council and who may be disqualified for the same reasons a member of the council may be disqualified; one member to be appointed by the council and the remaining two members by the senior judge of the district court of the district of Thunder Bay, provided that in the case of the retirement, disqualification, absence, illness or death of any such member another appointment shall be made in the manner above provided for the balance of such member's term of office.

Term of office.

(3) The first members of the Board shall hold office until the 31st day of December, 1943, and thereafter each member shall be appointed for a term of five calendar years.

Chairman.

(4) The members shall at the first meeting in every year elect a chairman from among themselves and the treasurer of the corporation shall act as secretary of the Board.

Secretary.

Quorum.

(5) Two members of the Board shall constitute a quorum.

Audit.

(6) The accounts of the Board shall be audited in such manner and at such times as the council may require.

Annual statement of requirements.

(7) The Board shall on or before the 1st day of February in each year submit to the council a statement in writing showing the amount required during the current year for sinking fund purposes, and the council shall thereupon levy a special rate upon the rateable property in the municipality liable therefor sufficient to return the amount so required and such amount shall be paid to the Board upon its demand.

SCHEDULE A

CITY OF FORT WILLIAM

BY-LAW No. 3493

A By-law to authorize a certain agreement with Canadian Car and Foundry Company Limited.

WHEREAS the Council of The Corporation of the City of Fort William deem it advisable that the City should enter into the Agreement set forth in Schedule "A" hereto with Canadian Car and Foundry Company Limited;

NOW THEREFORE The Corporation of The City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an Agreement with Canadian Car and Foundry Company Limited to the effect set forth in Schedule "A" hereto and the Mayor and Clerk of the said City for the time being may sign, seal with the corporate seal, execute and deliver such Agreement on behalf of The Corporation of the City of Fort William.

GIVEN under the corporate seal of The Corporation of the City of Fort William as witnessed by the hands of its proper officers in that behalf, this 23rd day of March, A.D. 1937.

(Sgd.) B. C. HARDIMAN,
Mayor.
(Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "A" TO BY-LAW No. 3493

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BETWEEN:

CANADIAN CAR AND FOUNDRY COMPANY LIMITED
(hereinafter called the "Company")
OF THE FIRST PART;

—and—

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(hereinafter called the "City")
OF THE SECOND PART.

WHEREBY the Company and the City mutually covenant, promise and agree with each other as follows:

1. The Company will proceed forthwith to improve its present plant in the City of Fort William and to instal therein new equipment so as to enable the present plant to manufacture aeroplanes and other manufactured products. Such improvements and installation of such new equipment shall be fully completed within one year from the date hereof.

2. In each calendar year commencing with the year 1939 until and including the calendar year 1946, the Company is to carry on manufacturing operations in connection with such plant, works and equipment, so as to employ a sufficient number of men for a sufficient number of working days to equal not less than one hundred men for two hundred and fifty days or two hundred thousand man hours per year.

3. The City will and doth hereby exempt for a period of ten years from and including the calendar year 1937 all property of the Company in the City of Fort William used for manufacturing purposes from all general municipal taxes (including business taxes) of the City but excepting and not including school taxes, local improvement rates and taxes imposed for unemployment relief.

The above exemption shall include and apply to not only property of the Company used for manufacturing purposes but also to property of its subsidiaries (controlled and/or owned in whole or in part) used for manufacturing purposes, on the lands now owned by the Company in the City or on lands nearby which may hereafter be acquired and used in connection with the lands now owned.

Provided however that the Company has complied with the provisions of Paragraph One hereof.

Provided however that dwelling houses or stores hereafter erected on the lands of the Company or its subsidiaries shall not be exempt from taxation hereunder.

4. In the event of the Company failing to comply with Paragraph Two hereof in any calendar year from and including 1939 to and including the calendar year 1946 then the Company shall not be entitled to any exemption from taxation for the calendar year in which such default occurs but in case of such default the taxes to be paid shall be based on the Company's 1937 assessment.

5. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty days from the receipt by the Company of a Notice in writing by the authorized officers of the City, acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this Agreement for the reasons mentioned in said Notice.

6. The Council of the City of Fort William may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

7. This Agreement shall not come into force or effect until and unless approved by the ratepayers of the said City.

8. The City will, at its own expense, if required by the Company, apply for a ratification of this contract, and the by-law based thereon, by the Legislature of the Province of Ontario, at its next session, and use its best endeavours to procure the same.

9. Time shall be the essence of this Agreement.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

In Witness Whereof the corporate seals of the Company and City respectively and the hands of their respective proper officers in that behalf.

Canadian Car and Foundry Company Limited, per

(Signed) W. W. Butler,
President.
(Signed) A. C. Bourne,
Secretary.
(Seal)

The Corporation of The City of Fort William, per

(Signed) B. C. Hardiman, M.D.,
Mayor.
(Signed) A. McNaughton,
Clerk.
(Seal)

BILL

An Act respecting the City of Fort William

1st Reading

March 15th, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. SPENCE

1938

No. 33

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Township of North York.

MR. BAKER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

RECEIVED
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No. 33 1938

BILL

An Act respecting the Township of North York.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Township of North York Act, 1938.*

1928, c. 97, ss. 6 and 7, repealed.

2. Sections 6 and 7 of *The Township of North York Act, 1928*, are repealed.

Agreement between Township and Armour Estates, Ltd. confirmed.

3. The agreement made between Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico, and the Corporation of the Township of North York on the 1st day of March, 1938, and set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the said Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico and the Corporation of the Township of North York.

By-law 2420 confirmed.

4. By-law numbered 2420 passed by the council of the corporation of the township of North York on the 3rd day of March, 1938, to designate the lands laid out by registered plans numbered 1841, 2222 and part of 2395, 2430, 2571 and 2631 as a "Sewerage System Area" and to authorize the taking over of the system of sewers constructed upon the streets shown on the said registered plans and the sewage disposal plant in connection therewith and to provide for the operation and maintenance of the same is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and the said system of sewers and sewage disposal plant together with the lands described in Schedule B hereinafter set forth are hereby vested in the corporation of the township of North York in fee simple, free and clear of and from all right, title and interest whatsoever

of all other persons, and of all charges and encumbrances thereon and the cost of operation and maintenance of the said works shall be deemed to include the cost of operation and maintenance incurred by the said corporation since January 1st, 1937.

Remuneration of members of council.

5. The council of the corporation of the township of North York may, subject to approval of the Ontario Municipal Board, pass by-laws for paying the members of the council such annual or other remuneration as the council may determine.

Regulation of firearms and hunting.

6. The council of the corporation of the township of North York may pass by-laws prohibiting or regulating the carrying of guns or other firearms and hunting in the said township of North York.

Tax arrears certificate 22819, amended.

7. The lands described in a certain tax arrears certificate dated the 19th day of April, 1937, and registered on the 24th day of April, 1937, in the registry office for the east and west riding of the county of York as instrument number 22819 shall be deemed to include the lands described as follows,—

"All that part of Lot 22, Concession 1, west of Yonge Street in the township of North York containing one acre, more or less, described as follows: Commencing at a point distant 94 links measured northerly from the south-east angle of the northerly half of said lot; thence north nine degrees west two chains to a point; thence south seventy-four degrees west five chains to a point; thence south nine degrees east two chains to a point; thence north seventy-four degrees east five chains to the point of commencement."

Certain registered tax arrears certificates corrected.

8. The registration of a certain tax arrears certificate dated the 9th day of May, 1936, and registered on the 14th day of May, 1936, in the registry office for the registry division of the east and west riding of the county of York as instrument number 21171 for the township of North York, the vesting of the lands described therein in the corporation of the said township and all sales of the said lands so vested are hereby validated and confirmed and the conveyance of a portion of the land so sold executed by the said corporation and dated the 17th day of May, 1937, and registered on the 21st day of May, 1937, in the said registry office as instrument number 22996 for the said township, purporting to convey lots 418, 419, 420, 421 and 422 according to registered plan number 1841 to Marjorie Stirrett, married woman, shall have the effect of vesting the lands so sold and conveyed in the said Marjorie Stirrett, her heirs and assigns, in fee simple and clear of and free from all right, title and interest whatsoever of the owner or owners thereof at the time of such vesting in the said

corporation and all charges and encumbrances thereon and dower therein except taxes, rates and assessments which have accrued since the date of such sale.

Henry Street lighting confirmed.

9. The construction by the corporation of the township of North York of the necessary works, plant, appliances and equipment for street lighting on Henry Street from Harding Avenue to MacDougal Avenue in the said township is hereby declared to be authorized and confirmed and the cost of such construction and of the operation and maintenance of the said works shall be specially assessed by an equal rate per foot of frontage of the lots abutting on the work in the manner provided by *The Local Improvement Act.*

Rev. Stat., c. 269.

1926, c. 107, s. 10, re-enacted.

10. Section 10 of *The Township of North York Act, 1926*, is repealed and the following substituted therefor:

Agreements as to admission of sewage to system.

10. The corporation may enter into agreements with any adjoining municipality or municipalities or with the owner of any lands situated within the township of North York providing for the admission of sewage from such adjoining municipality, municipalities or lands into the sewers and works of any sewerage system area of the said township, and any sums payable to the corporation by such adjoining municipality, municipalities or owner under such agreements shall form part of the funds for the maintenance and operation of the sewers and works into which such sewage is admitted.

SCHEDULE "A"

MEMORANDUM OF AGREEMENT made this first day of March, 1938.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township"

OF THE FIRST PART;

ARMOUR REALTY CORPORATION, LIMITED, a Company having its head office at the city of Toronto in the county of York, hereinafter called the "Company"

OF THE SECOND PART;

—and—

ALBERT L. ELLSWORTH and RICHARD J. LILLICO, both of the said city of Toronto, hereinafter called the parties

OF THE THIRD PART.

WHEREAS three agreements were entered into between Armour Estates, Limited, and the Township under date of the 21st day of May, 1927, the 17th day of October, 1927, and the 5th day of December, 1927, respectively.

AND WHEREAS the said three agreements were confirmed and declared to be legally valid and binding upon the parties thereto under the provisions of The Township of North York Act, Statutes of Ontario, 1928, Chapter 97, Sections 6 and 7.

AND WHEREAS Armour Estates, Limited, and the parties hereto of the third part posted with the Township a certain bond in the sum of $50,000.00 as a surety for the due performance of the covenants and conditions set forth in the above referred to agreements.

AND WHEREAS on or about the 15th day of December, 1936, at the request of Armour Estates, Limited, and the Company, the Township agreed to construct and lay down sewers on or under the following streets, namely:

Sandown Road—from the northerly limit of Lot 504, Plan 2571, to Delhi Avenue,
Delhi Avenue—from Belgrave Street to Bidewell Street.
Bombay Avenue—from Bidewell Street to Maple Crescent.
Sunnydale Road—from Bombay Avenue to Maple Drive.
Maple Crescent—from Summit Drive to Avenue Road.

and the Company agreed to pay to the Township the cost thereof, and, in addition, conveyed or caused to be conveyed to the Township the lands on the northerly side of Yonge Boulevard comprising lots 47 and 48 and part of lot 46, Plan 1841, upon which is situated the sewage disposal plant referred to in the above mentioned agreements.

AND WHEREAS the construction of the said sewers has been completed and the Company has paid to the Township the cost thereof.

AND WHEREAS on or about the said 15th day of December, 1936, the Township, as part consideration for the foregoing, agreed to take over the said sewage disposal plant and the sewers in connection therewith; and to release the said Armour Estates, Limited, and the parties hereto of the third part from their obligations under the said bond and under the said agreements.

AND WHEREAS Armour Estates, Limited, surrendered its charter and the same was cancelled under Order dated 6th November, 1937.

AND WHEREAS the Company is now the owner of most of the lands formerly owned by the said Armour Estates, Limited.

AND WHEREAS the parties of the third part have requested the Township to specifically release them from their obligations, if any, under the said agreements and under the bond above referred to which the Township has agreed to do.

AND WHEREAS the Township has requested the approval of the Department of Municipal Affairs to these presents and to the By-law hereinafter mentioned and has applied to the Legislative Assembly of the Province of Ontario for an Act repealing Sections 6 and 7 of Chapter 97, Statutes of Ontario, 1928, and confirming this agreement.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants and conditions herein contained and herein referred to the parties hereto covenant and agree as follows:

1. The Township covenants and agrees that it will forthwith pass a By-law creating a sewerage system area comprising, inter alia, the lands owned by the Company which are included in Plans registered in the Registry Office for the Registry Division of the East and West Riding of the county of York as Numbers 1841, 2222, 2430, 2571, 2631 and part of 2395 and providing for the future operation, maintenance, extension and development of the existing sewage disposal plant and system of sewers in connection therewith.

2. The Township covenants and agrees with the Company that it will forthwith take all proceedings and do all things necessary to close Bantry Avenue as shown on Plan 2395 registered in the said Registry Office and upon completion of such proceedings to cause the strip of land which now comprises Bantry Avenue to become vested in the Company or its nominee or nominees in writing.

3. The Township hereby releases the parties of the third part and the parties of the third part release the Township from all claims and demands of every kind whatsoever which it or they now have or may hereafter have against it or them in respect of any matter or thing which has arisen or which may hereafter arise either directly or indirectly from all or any of the hereinbefore mentioned agreements dated the 21st day of May, 1927, the 17th day of October, 1927 and the 5th day of December, 1927, and the Township hereby releases the parties of the third part from all or any of the obligations of the parties of the third part existing by virtue of the above recited bond posted with the Township to ensure due performance of the said agreements and agrees to forthwith cancel and deliver up the said bond.

4. The Township covenants and agrees that it will at the present or next subsequent session of the Ontario Legislature apply for and obtain such legislation as may be deemed necessary to repeal sections 6 and 7 of Chapter 97 of the 1928 Statutes of Ontario and will apply for and obtain such further legislation as may be deemed necessary to confirm this agreement and declare the same to be legally valid and binding upon the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers in that behalf and the parties of the third part have set their hands and seals.

SIGNED, SEALED AND DELIVERED	THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
	Per R. E. BALES, Reeve,
	Per H. D. GOODE, Clerk.
In the Presence of	ARMOUR REALTY CORPORATION,
(Seal)	LIMITED,
MAURICE J. W. SENIOR	Per A. DAWSON, President,
	Per E. M. MILLER, Secretary (Seal)
	A. L. ELLSWORTH, (Seal)
	RICHARD L. LILLICO. (Seal)

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SCHEDULE "B"

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York and County of York and being composed of all of Lots 48 and 47 and that part of Lot 46 more particularly described as follows: Commencing at the south-west angle of said Lot 46; thence north-easterly along the northerly limit of Yonge Boulevard a distance of two hundred and six feet and five inches (206′ 5″); thence north-westerly at right angles to the northerly limit of Yonge Boulevard a distance of eighty-eight feet (88′) more or less to a point located one hundred feet (100′) east of the westerly limit of Lot 46, measured at right angles thereto; thence northerly parallel to but one hundred feet (100′) east of the said westerly limit of Lot 46, a distance of one hundred and sixty feet (160′) more or less to a point on the northerly limit of Lot 46; thence westerly along the northerly limit of Lot 46 a distance of one hundred feet (100′) to the north-west angle of the lot; thence southerly along the westerly limit of Lot 46 a distance of three hundred and fifty-three feet and eight inches (353′ 8″) to the point of commencement, all according to Plan registered in the Registry Office for the Registry Division of the east and west riding of the County of York, as Number 1841, as amended by Plan 2395 filed in the said Registry Office.

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BILL

An Act respecting the Township of North York.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. BAKER

(*Private Bill*)

1938

No. 33

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Township of North York.

MR. BAKER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 33 1938

BILL

An Act respecting the Township of North York.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Township of North York Act, 1938*.

1928, c. 97, ss. 6 and 7, repealed.

2. Sections 6 and 7 of *The Township of North York Act, 1928*, are repealed.

Agreement between Township and Armour Estates, Ltd. confirmed.

3. The agreement made between Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico, and the Corporation of the Township of North York on the 1st day of March, 1938, and set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the said Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico and the Corporation of the Township of North York.

By-law 2420 confirmed.

4. By-law numbered 2420 passed by the council of the corporation of the township of North York on the 3rd day of March, 1938, to designate the lands laid out by registered plans numbered 1841, 2222 and part of 2395, 2430, 2571 and 2631 as a "Sewerage System Area" and to authorize the taking over of the system of sewers constructed upon the streets shown on the said registered plans and the sewage disposal plant in connection therewith and to provide for the operation and maintenance of the same is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and the said system of sewers and sewage disposal plant together with the lands described in Schedule B hereinafter set forth are hereby vested in the corporation of the township of North York in fee simple, free and clear of and from all right, title and interest whatsoever

of all other persons, and of all charges and encumbrances thereon and the cost of operation and maintenance of the said works shall be deemed to include the cost of operation and maintenance incurred by the said corporation since January 1st, 1937.

Tax arrears certificate 22819, amended.

5. The lands described in a certain tax arrears certificate dated the 19th day of April, 1937, and registered on the 24th day of April, 1937, in the registry office for the east and west riding of the county of York as instrument number 22819 shall be deemed to include the lands described as follows,—

"All that part of Lot 22, Concession 1, west of Yonge Street in the township of North York containing one acre, more or less, described as follows: Commencing at a point distant 94 links measured northerly from the south-east angle of the northerly half of said lot; thence north nine degrees west two chains to a point; thence south seventy-four degrees west five chains to a point; thence south nine degrees east two chains to a point; thence north seventy-four degrees east five chains to the point of commencement."

Certain registered tax arrears certificates corrected.

6. The registration of a certain tax arrears certificate dated the 9th day of May, 1936, and registered on the 14th day of May, 1936, in the registry office for the registry division of the east and west riding of the county of York as instrument number 21171 for the township of North York, the vesting of the lands described therein in the corporation of the said township and all sales of the said lands so vested are hereby validated and confirmed and the conveyance of a portion of the land so sold executed by the said corporation and dated the 17th day of May, 1937, and registered on the 21st day of May, 1937, in the said registry office as instrument number 22996 for the said township, purporting to convey lots 418, 419, 420, 421 and 422 according to registered plan number 1841 to Marjorie Stirrett, married woman, shall have the effect of vesting the lands so sold and conveyed in the said Marjorie Stirrett, her heirs and assigns, in fee simple and clear of and free from all right, title and interest whatsoever of the owner or owners thereof at the time of such vesting in the said corporation and all charges and encumbrances thereon and dower therein except taxes, rates and assessments which have accrued since the date of such sale.

Henry Street lighting confirmed.

7. The construction by the corporation of the township of North York of the necessary works, plant, appliances and equipment for street lighting on Henry Street from Harding Avenue to MacDougal Avenue in the said township is hereby declared to be authorized and confirmed and the cost of such construction and of the operation and maintenance of

RECEIVED

the said works shall be specially assessed by an equal rate per foot of frontage of the lots abutting on the work in the manner provided by *The Local Improvement Act.*

Rev. Stat., c. 269.

1926, c. 107, s. 10, re-enacted.

8. Section 10 of *The Township of North York Act, 1926*, is repealed and the following substituted therefor:

Agreements as to admission of sewage to system.

10. The corporation may enter into agreements with any adjoining municipality or municipalities or with the owner of any lands situated within the township of North York providing for the admission of sewage from such adjoining municipality, municipalities or lands into the sewers and works of any sewerage system area of the said township, and any sums payable to the corporation by such adjoining municipality, municipalities or owner under such agreements shall form part of the funds for the maintenance and operation of the sewers and works into which such sewage is admitted.

SCHEDULE "A"

MEMORANDUM OF AGREEMENT made this first day of March, 1938.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township"

OF THE FIRST PART;

ARMOUR REALTY CORPORATION, LIMITED, a Company having its head office at the city of Toronto in the county of York, hereinafter called the "Company"

OF THE SECOND PART;

—and—

ALBERT L. ELLSWORTH and RICHARD J. LILLICO, both of the said city of Toronto, hereinafter called the parties

OF THE THIRD PART.

WHEREAS three agreements were entered into between Armour Estates, Limited, and the Township under date of the 21st day of May, 1927, the 17th day of October, 1927, and the 5th day of December, 1927, respectively.

AND WHEREAS the said three agreements were confirmed and declared to be legally valid and binding upon the parties thereto under the provisions of The Township of North York Act, Statutes of Ontario, 1928, Chapter 97, Sections 6 and 7.

AND WHEREAS Armour Estates, Limited, and the parties hereto of the third part posted with the Township a certain bond in the sum of $50,000.00 as a surety for the due performance of the covenants and conditions set forth in the above referred to agreements.

AND WHEREAS on or about the 15th day of December, 1936, at the request of Armour Estates, Limited, and the Company, the Township agreed to construct and lay down sewers on or under the following streets, namely:

Sandown Road—from the northerly limit of Lot 504, Plan 2571, to Delhi Avenue,
Delhi Avenue—from Belgrave Street to Bidewell Street.
Bombay Avenue—from Bidewell Street to Maple Crescent.
Sunnydale Road—from Bombay Avenue to Maple Drive.
Maple Crescent—from Summit Drive to Avenue Road.

and the Company agreed to pay to the Township the cost thereof, and, in addition, conveyed or caused to be conveyed to the Township the lands on the northerly side of Yonge Boulevard comprising lots 47 and 48 and part of lot 46, Plan 1841, upon which is situated the sewage disposal plant referred to in the above mentioned agreements.

AND WHEREAS the construction of the said sewers has been completed and the Company has paid to the Township the cost thereof.

AND WHEREAS on or about the said 15th day of December, 1936, the Township, as part consideration for the foregoing, agreed to take over the said sewage disposal plant and the sewers in connection therewith; and to release the said Armour Estates, Limited, and the parties her eto of the third part from their obligations under the said bond and under the said agreements.

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And Whereas Armour Estates, Limited, surrendered its charter and the same was cancelled under Order dated 6th November, 1937.

And Whereas the Company is now the owner of most of the lands formerly owned by the said Armour Estates, Limited.

And Whereas the parties of the third part have requested the Township to specifically release them from their obligations, if any, under the said agreements and under the bond above referred to which the Township has agreed to do.

And Whereas the Township has requested the approval of the Department of Municipal Affairs to these presents and to the By-law hereinafter mentioned and has applied to the Legislative Assembly of the Province of Ontario for an Act repealing Sections 6 and 7 of Chapter 97, Statutes of Ontario, 1928, and confirming this agreement.

Now this Indenture Witnesseth that in consideration of the premises and of the covenants and conditions herein contained and herein referred to the parties hereto covenant and agree as follows:

1. The Township covenants and agrees that it will forthwith pass a By-law creating a sewerage system area comprising, inter alia, the lands owned by the Company which are included in Plans registered in the Registry Office for the Registry Division of the East and West Riding of the county of York as Numbers 1841, 2222, 2430, 2571, 2631 and part of 2395 and providing for the future operation, maintenance, extension and development of the existing sewage disposal plant and system of sewers in connection therewith.

2. The Township covenants and agrees with the Company that it will forthwith take all proceedings and do all things necessary to close Bantry Avenue as shown on Plan 2395 registered in the said Registry Office and upon completion of such proceedings to cause the strip of land which now comprises Bantry Avenue to become vested in the Company or its nominee or nominees in writing.

3. The Township hereby releases the parties of the third part and the parties of the third part release the Township from all claims and demands of every kind whatsoever which it or they now have or may hereafter have against it or them in respect of any matter or thing which has arisen or which may hereafter arise either directly or indirectly from all or any of the hereinbefore mentioned agreements dated the 21st day of May, 1927, the 17th day of October, 1927 and the 5th day of December, 1927, and the Township hereby releases the parties of the third part from all or any of the obligations of the parties of the third part existing by virtue of the above recited bond posted with the Township to ensure due performance of the said agreements and agrees to forthwith cancel and deliver up the said bond.

4. The Township covenants and agrees that it will at the present or next subsequent session of the Ontario Legislature apply for and obtain such legislation as may be deemed necessary to repeal sections 6 and 7 of Chapter 97 of the 1928 Statutes of Ontario and will apply for and obtain such further legislation as may be deemed necessary to confirm this agreement and declare the same to be legally valid and binding upon the parties hereto.

In Witness Whereof the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers in that behalf and the parties of the third part have set their hands and seals.

Signed, Sealed and Delivered	The Corporation of the Township of North York,
	Per R. E. Bales, Reeve,
	Per H. D. Goode, Clerk.
In the Presence of	Armour Realty Corporation,
(Seal)	Limited,
Maurice J. W. Senior	Per A. Dawson, President,
	Per E. M. Miller, Secretary (Seal)
	A. L. Ellsworth, (Seal)
	Richard L. Lillico. (Seal)

RECEIVED

SCHEDULE "B"

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York and County of York and being composed of all of Lots 48 and 47 and that part of Lot 46 more particularly described as follows: Commencing at the south-west angle of said Lot 46; thence north-easterly along the northerly limit of Yonge Boulevard a distance of two hundred and six feet and five inches (206′ 5″); thence north-westerly at right angles to the northerly limit of Yonge Boulevard a distance of eighty-eight feet (88′) more or less to a point located one hundred feet (100′) east of the westerly limit of Lot 46, measured at right angles thereto; thence northerly parallel to but one hundred feet (100′) east of the said westerly limit of Lot 46, a distance of one hundred and sixty feet (160′) more or less to a point on the northerly limit of Lot 46; thence westerly along the northerly limit of Lot 46 a distance of one hundred feet (100′) to the north-west angle of the lot; thence southerly along the westerly limit of Lot 46 a distance of three hundred and fifty-three feet and eight inches (353′ 8″) to the point of commencement, all according to Plan registered in the Registry Office for the Registry Division of the east and west riding of the County of York, as Number 1841, as amended by Plan 2395 filed in the said Registry Office.

RECEIVED

BILL

An Act respecting the Township of North York.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. BAKER

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 33

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Township of North York.

MR. BAKER

TORONTO
PRINTED BY T. E. BOWMAN
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No. 33. 1938

BILL

An Act respecting the Township of North York.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Township of North York Act, 1938*.

1928, c. 97, ss. 6 and 7, repealed.

2. Sections 6 and 7 of *The Township of North York Act, 1928*, are repealed.

Agreement between Township and Armour Estates, Ltd. confirmed.

3. The agreement made between Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico, and the Corporation of the Township of North York on the 1st day of March, 1938, and set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the said Armour Realty Corporation, Limited, Albert L. Ellsworth, Richard J. Lillico and the Corporation of the Township of North York.

By-law 2420 confirmed.

4. By-law numbered 2420 passed by the council of the corporation of the township of North York on the 3rd day of March, 1938, to designate the lands laid out by registered plans numbered 1841, 2222 and part of 2395, 2430, 2571 and 2631 as a "Sewerage System Area" and to authorize the taking over of the system of sewers constructed upon the streets shown on the said registered plans and the sewage disposal plant in connection therewith and to provide for the operation and maintenance of the same is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and the said system of sewers and sewage disposal plant together with the lands described in Schedule B hereinafter set forth are hereby vested in the corporation of the township of North York in fee simple, free and clear of and from all right, title and interest whatsoever

of all other persons, and of all charges and encumbrances thereon and the cost of operation and maintenance of the said works shall be deemed to include the cost of operation and maintenance incurred by the said corporation since January 1st, 1937.

Tax arrears certificate 22819, amended.

5. The lands described in a certain tax arrears certificate dated the 19th day of April, 1937, and registered on the 24th day of April, 1937, in the registry office for the east and west riding of the county of York as instrument number 22819 shall be deemed to include the lands described as follows,—

"All that part of Lot 22, Concession 1, west of Yonge Street in the township of North York containing one acre, more or less, described as follows: Commencing at a point distant 94 links measured northerly from the south-east angle of the northerly half of said lot; thence north nine degrees west two chains to a point; thence south seventy-four degrees west five chains to a point; thence south nine degrees east two chains to a point; thence north seventy-four degrees east five chains to the point of commencement."

Certain registered tax arrears certificates corrected.

6. The registration of a certain tax arrears certificate dated the 9th day of May, 1936, and registered on the 14th day of May, 1936, in the registry office for the registry division of the east and west riding of the county of York as instrument number 21171 for the township of North York, the vesting of the lands described therein in the corporation of the said township and all sales of the said lands so vested are hereby validated and confirmed and the conveyance of a portion of the land so sold executed by the said corporation and dated the 17th day of May, 1937, and registered on the 21st day of May, 1937, in the said registry office as instrument number 22996 for the said township, purporting to convey lots 418, 419, 420, 421 and 422 according to registered plan number 1841 to Marjorie Stirrett, married woman, shall have the effect of vesting the lands so sold and conveyed in the said Marjorie Stirrett, her heirs and assigns, in fee simple and clear of and free from all right, title and interest whatsoever of the owner or owners thereof at the time of such vesting in the said corporation and all charges and encumbrances thereon and dower therein except taxes, rates and assessments which have accrued since the date of such sale.

Henry Street lighting confirmed.

7. The construction by the corporation of the township of North York of the necessary works, plant, appliances and equipment for street lighting on Henry Street from Harding Avenue to MacDougal Avenue in the said township is hereby declared to be authorized and confirmed and the cost of such construction and of the operation and maintenance of

the said works shall be specially assessed by an equal rate per foot of frontage of the lots abutting on the work in the manner provided by *The Local Improvement Act.*

Rev. Stat., c. 269.

1926, c. 107, s. 10, re-enacted.

8. Section 10 of *The Township of North York Act, 1926*, is repealed and the following substituted therefor:

Agreements as to admission of sewage to system.

10. The corporation may enter into agreements with any adjoining municipality or municipalities or with the owner of any lands situated within the township of North York providing for the admission of sewage from such adjoining municipality, municipalities or lands into the sewers and works of any sewerage system area of the said township, and any sums payable to the corporation by such adjoining municipality, municipalities or owner under such agreements shall form part of the funds for the maintenance and operation of the sewers and works into which such sewage is admitted.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this first day of March, 1938.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township"

OF THE FIRST PART;

ARMOUR REALTY CORPORATION, LIMITED, a Company having its head office at the city of Toronto in the county of York, hereinafter called the "Company"

OF THE SECOND PART;

—and—

ALBERT L. ELLSWORTH and RICHARD J. LILLICO, both of the said city of Toronto, hereinafter called the parties

OF THE THIRD PART.

WHEREAS three agreements were entered into between Armour Estates, Limited, and the Township under date of the 21st day of May, 1927, the 17th day of October, 1927, and the 5th day of December, 1927, respectively.

AND WHEREAS the said three agreements were confirmed and declared to be legally valid and binding upon the parties thereto under the provisions of The Township of North York Act, Statutes of Ontario, 1928, Chapter 97, Sections 6 and 7.

AND WHEREAS Armour Estates, Limited, and the parties hereto of the third part posted with the Township a certain bond in the sum of $50,000.00 as a surety for the due performance of the covenants and conditions set forth in the above referred to agreements.

AND WHEREAS on or about the 15th day of December, 1936, at the request of Armour Estates, Limited, and the Company, the Township agreed to construct and lay down sewers on or under the following streets, namely:

Sandown Road—from the northerly limit of Lot 504, Plan 2571, to Delhi Avenue,
Delhi Avenue—from Belgrave Street to Bidewell Street.
Bombay Avenue—from Bidewell Street to Maple Crescent.
Sunnydale Road—from Bombay Avenue to Maple Drive.
Maple Crescent—from Summit Drive to Avenue Road.

and the Company agreed to pay to the Township the cost thereof, and, in addition, conveyed or caused to be conveyed to the Township the lands on the northerly side of Yonge Boulevard comprising lots 47 and 48 and part of lot 46, Plan 1841, upon which is situated the sewage disposal plant referred to in the above mentioned agreements.

AND WHEREAS the construction of the said sewers has been completed and the Company has paid to the Township the cost thereof.

AND WHEREAS on or about the said 15th day of December, 1936, the Township, as part consideration for the foregoing, agreed to take over the said sewage disposal plant and the sewers in connection therewith; and to release the said Armour Estates, Limited, and the parties hereto of the third part from their obligations under the said bond and under the said agreements.

AND WHEREAS Armour Estates, Limited, surrendered its charter and the same was cancelled under Order dated 6th November, 1937.

AND WHEREAS the Company is now the owner of most of the lands formerly owned by the said Armour Estates, Limited.

AND WHEREAS the parties of the third part have requested the Township to specifically release them from their obligations, if any, under the said agreements and under the bond above referred to which the Township has agreed to do.

AND WHEREAS the Township has requested the approval of the Department of Municipal Affairs to these presents and to the By-law hereinafter mentioned and has applied to the Legislative Assembly of the Province of Ontario for an Act repealing Sections 6 and 7 of Chapter 97, Statutes of Ontario, 1928, and confirming this agreement.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants and conditions herein contained and herein referred to the parties hereto covenant and agree as follows:

1. The Township covenants and agrees that it will forthwith pass a By-law creating a sewerage system area comprising, inter alia, the lands owned by the Company which are included in Plans registered in the Registry Office for the Registry Division of the East and West Riding of the county of York as Numbers 1841, 2222, 2430, 2571, 2631 and part of 2395 and providing for the future operation, maintenance, extension and development of the existing sewage disposal plant and system of sewers in connection therewith.

2. The Township covenants and agrees with the Company that it will forthwith take all proceedings and do all things necessary to close Bantry Avenue as shown on Plan 2395 registered in the said Registry Office and upon completion of such proceedings to cause the strip of land which now comprises Bantry Avenue to become vested in the Company or its nominee or nominees in writing.

3. The Township hereby releases the parties of the third part and the parties of the third part release the Township from all claims and demands of every kind whatsoever which it or they now have or may hereafter have against it or them in respect of any matter or thing which has arisen or which may hereafter arise either directly or indirectly from all or any of the hereinbefore mentioned agreements dated the 21st day of May, 1927, the 17th day of October, 1927 and the 5th day of December, 1927, and the Township hereby releases the parties of the third part from all or any of the obligations of the parties of the third part existing by virtue of the above recited bond posted with the Township to ensure due performance of the said agreements and agrees to forthwith cancel and deliver up the said bond.

4. The Township covenants and agrees that it will at the present or next subsequent session of the Ontario Legislature apply for and obtain such legislation as may be deemed necessary to repeal sections 6 and 7 of Chapter 97 of the 1928 Statutes of Ontario and will apply for and obtain such further legislation as may be deemed necessary to confirm this agreement and declare the same to be legally valid and binding upon the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers in that behalf and the parties of the third part have set their hands and seals.

SIGNED, SEALED AND DELIVERED	THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, Per R. E. BALES, Reeve, Per H. D. GOODE, Clerk.
In the Presence of (Seal) MAURICE J. W. SENIOR	ARMOUR REALTY CORPORATION, LIMITED, Per A. DAWSON, President, Per E. M. MILLER, Secretary (Seal) A. L. ELLSWORTH, (Seal) RICHARD L. LILLICO. (Seal)

SCHEDULE B

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York and County of York and being composed of all of Lots 48 and 47 and that part of Lot 46 more particularly described as follows: Commencing at the south-west angle of said Lot 46; thence north-easterly along the northerly limit of Yonge Boulevard a distance of two hundred and six feet and five inches (206′ 5″); thence north-westerly at right angles to the northerly limit of Yonge Boulevard a distance of eighty-eight feet (88′) more or less to a point located one hundred feet (100′) east of the westerly limit of Lot 46, measured at right angles thereto; thence northerly parallel to but one hundred feet (100′) east of the said westerly limit of Lot 46, a distance of one hundred and sixty feet (160′) more or less to a point on the northerly limit of Lot 46; thence westerly along the northerly limit of Lot 46 a distance of one hundred feet (100′) to the north-west angle of the lot; thence southerly along the westerly limit of Lot 46 a distance of three hundred and fifty-three feet and eight inches (353′ 8″) to the point of commencement, all according to Plan registered in the Registry Office for the Registry Division of the east and west riding of the County of York, as Number 1841, as amended by Plan 2395 filed in the said Registry Office.

BILL

An Act respecting the Township of North York.

1st Reading

March 15th, 1938

2nd Reading

April 5th, 1938

3rd Reading

April 7th, 1938

MR. BAKER

1938

No. 34

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Township of Scarborough.

Mr. Henry

(Private Bill)

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

RECEIVED

No. 34 1938

BILL

An Act respecting the Township of Scarborough.

Preamble. WHEREAS the corporation of the Township of Scarborough has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of Scarborough Act, 1938.*

No part of township to be annexed for a period of five years. **2.** No part of the township of Scarborough shall, for a period of five years after this Act comes into force, be annexed to any adjoining municipality without the assent of the municipal electors of the said township obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act.*

Rev. Stat. c. 266.

RECEIVED

BILL

An Act respecting the Township of Scarborough

1st Reading

2nd Reading

3rd Reading

MR. HENRY

(*Private Bill*)

1938

No. 34

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of Scarborough.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 34 1938

BILL

An Act respecting the Township of Scarborough.

Preamble. WHEREAS the corporation of the Township of Scarborough has by its petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Township of Scarborough Act, 1938.*

No part of township to be annexed for a period of five years. **2.** No part of the township of Scarborough shall, for a period of five years after this Act comes into force, be annexed to any adjoining municipality without the assent of the municipal electors of the said township obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act.*

Rev. Stat. c. 266.

RECEIVED

BILL

An Act respecting the Township of Scarborough

1st Reading

March 15th, 1938

2nd Reading

March 23rd, 1938

3rd Reading

March 28th, 1938

MR. HENRY

1938

No. 35

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of Teck.

MR. NIXON (Temiskaming)

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 35 1938

BILL

An Act respecting the Township of Teck.

Preamble. WHEREAS the corporation of the township of Teck has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1**. This Act may be cited as *The Township of Teck Act, 1938*.

Power to control sanitation of certain areas. **2**.—(1) The corporation may, with the approval of the Department of Health for Ontario, by by-law control and regulate the sanitation of that area consisting of the watersheds of Gull Lake and McTavish Lake situate in the township of Teck and the unorganized township of Lebel, and that area consisting of the watershed of Victoria Lake situate in part in the unorganized townships of Lebel, Arnold, Gauthier and Morrisette, both in the district of Temiskaming and more particularly described in Schedule A hereto.

Penalty. (2) Any person contravening any such by-law shall incur a penalty of not less than $5 nor more than $50 recoverable under *The Summary Convictions Act.*

Rev. Stat. c. 136.

Power to enter and inspect sanitation areas. **3**. The officers and servants of the corporation may go in and upon all the lands, lakes and streams in the areas hereinbefore described in order to inspect the same and to enforce any by-law passed pursuant to this Act.

Water not to be removed without consent. **4**. No person shall remove water from the said Gull Lake, for other than domestic purposes, without the written consent of the corporation and upon paying the corporation a reasonable sum therefor, provided that if the parties should be unable to agree as to the amount of such sum, the same shall be determined by the Ontario Municipal Board.

Power to maintain water levels. **5**.—(1) The corporation may maintain the levels of the waters of the said McTavish Lake and Victoria Lake at the

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present high water level of 1,025 feet above sea level by the construction or repair of dams, weirs and other works.

Damage claims to be determined by Municipal Board.

(2) Any claim for damages made against the corporation by reason of the raising of the levels of the said lakes shall be determined by the Ontario Municipal Board.

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SCHEDULE A

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Townships of Teck, Lebel, Gauthier, Arnold and Morrisette, in the District of Temiskaming and Province of Ontario, as shown on Plan by H. W. Sutcliffe, Ontario Land Surveyor, dated January 8th, 1934, which said parcels or tracts of land may be more particularly described as follows:

FIRSTLY: That portion of the Township of Teck, described as follows:

(*a*) Commencing at a point on the east boundary of the said Township of Teck distant 1 mile measured southerly along said east boundary from the north-east corner of said Township of Teck;

Thence west 1,320 feet;

Thence south and parallel to said east boundary 3,960 feet;

Thence east 1,320 feet to a point on the said east boundary;

Thence northerly following said east boundary, to the said point of commencement;

And containing an area of 120 acres, be the same more or less.

(*b*) Commencing at a point on the east boundary of the said Township of Teck, distant 3 miles and 460 feet measured northerly along said east boundary from the south-east corner of the said Township of Teck;

Thence south 89° 55′ west 791 feet;

Thence north 6° 34′ west 1,321.3 feet;

Thence north 80° 26′ east 953.7 feet, more or less, to a point on the said east boundary of the Township of Teck;

Thence southerly following said east boundary to the said point of commencement;

And containing an area of 34.4 acres, be the same more or less.

SECONDLY: That portion of the Township of Lebel, described as follows:

Commencing at a point on the north boundary of the said Township of Lebel, distant 2,640 feet measured easterly along said north boundary from the north-west corner of said Township of Lebel;

Thence southerly and parallel to the west boundary of the said Township of Lebel, a distance of 1 mile;

Thence westerly and parallel to the said north boundary of the Township of Lebel, a distance of 2,640 feet;

Thence southerly following the west boundary of the said Township of Lebel, a distance of 2¼ miles;

Thence north 75° 58′ east 5,442 feet;

Thence south 84° 43′ east 5 miles and 132 feet, more or less, to a point on the east boundary of the said Township of Lebel;

Thence northerly following said east boundary of the Township of Lebel, 3½ miles more or less, to the north-east corner thereof;

Thence westerly along said north boundary of the Township of Lebel, 5½ miles, more or less, to the said point of commencement;

And containing an area of 12,090 acres, be the same more or less.

THIRDLY: That portion of the Township of Gauthier, described as follows:

Commencing at the north-west corner of the said Township of Gauthier;

Thence southerly along the west boundary of the said Township of Gauthier, a distance of 3½ miles;

Thence easterly parallel to the north boundary of the said Township of Gauthier, a distance of 1¼ miles.

Thence northerly parallel to the said west boundary of the Township of Gauthier, a distance of 3½ miles, to a point on the said north boundary of the Township of Gauthier;

Thence westerly along said north boundary of the Township of Gauthier, a distance of 1¼ miles, more or less, to the said point of commencement;

And containing an area of 2,800 acres, be the same more or less.

FOURTHLY: That portion of the Township of Arnold, described as follows:

Commencing at the north-west corner of the said Township of Arnold;

Thence southerly along the west boundary of the said Township of Arnold, to the south-west corner thereof;

Thence easterly along the south boundary of the said Township of Arnold, a distance of 2 miles;

Thence northerly parallel to the said west boundary of the Township of Arnold, to a point on the north boundary of the said Township of Arnold;

Thence westerly along said north boundary of the Township of Arnold, 2 miles, more or less, to the said point of commencement;

And containing an area of 7,680 acres, be the same more or less.

FIFTHLY: That portion of the Township of Morrisette, described as follows:

Commencing at the north-east corner of the said Township of Morrisette;

Thence southerly along the east boundary of the said Township of Morrisette, to the south-east corner thereof;

Thence westerly along the south boundary of the said Township of Morrisette, a distance of 5½ miles;

Thence north-easterly in a straight line connecting to the said point of commencement, a distance of 8 miles and 740 feet, more or less.

And containing an area of 10,560 acres, be the same more or less.

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No. 3

BILL

An Act respecting the Township of Teck.

1st Reading

2nd Reading

3rd Reading

MR. NIXON
(Temiskaming)

(*Private Bill*)

1938

No. 35

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Township of Teck.

MR. NIXON (Temiskaming)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 35 1938

BILL

An Act respecting the Township of Teck.

Preamble.

WHEREAS the corporation of the township of Teck has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of Teck Act, 1938*.

Power to control sanitation of certain areas.

2.—(1) The corporation may, with the approval of the Department of Health for Ontario, by by-law control and regulate the sanitation of that area consisting of the watersheds of Gull Lake and McTavish Lake situate in the township of Teck and the unorganized township of Lebel, and that area consisting of the watershed of Victoria Lake situate in part in the unorganized townships of Lebel, Arnold, Gauthier and Morrisette, both in the district of Temiskaming and more particularly described in Schedule A hereto.

Penalty.

(2) Any person contravening any such by-law shall incur a penalty of not less than $5 nor more than $50 recoverable under *The Summary Convictions Act*.

Rev. Stat. c. 136.

Power to enter and inspect sanitation areas.

3. The officers and servants of the corporation may go in and upon all the lands, lakes and streams in the areas hereinbefore described in order to inspect the same and to enforce any by-law passed pursuant to this Act.

Water not to be removed without consent.

4. No person shall remove water from the said Gull Lake, for other than domestic purposes, without the written consent of the corporation and upon paying the corporation a reasonable sum therefor, provided that if the parties should be unable to agree as to the amount of such sum, the same shall be determined by the Ontario Municipal Board.

Power to maintain water levels.

5.—(1) The corporation may maintain the levels of the waters of the said McTavish Lake and Victoria Lake at the

present high water level of 1,025 feet above sea level by the construction or repair of dams, weirs and other works.

(2) Any claim for damages made against the corporation by reason of the raising of the levels of the said lakes shall be determined by the Ontario Municipal Board.

Damage claims to be determined by Municipal Board.

SCHEDULE A

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Townships of Teck, Lebel, Gauthier, Arnold and Morrisette, in the District of Temiskaming and Province of Ontario, as shown on Plan by H. W. Sutcliffe, Ontario Land Surveyor, dated January 8th, 1934, which said parcels or tracts of land may be more particularly described as follows:

FIRSTLY: That portion of the Township of Teck, described as follows:

(*a*) Commencing at a point on the east boundary of the said Township of Teck distant 1 mile measured southerly along said east boundary from the north-east corner of said Township of Teck;

Thence west 1,320 feet;

Thence south and parallel to said east boundary 3,960 feet;

Thence east 1,320 feet to a point on the said east boundary;

Thence northerly following said east boundary, to the said point of commencement;

And containing an area of 120 acres, be the same more or less.

(*b*) Commencing at a point on the east boundary of the said Township of Teck, distant 3 miles and 460 feet measured northerly along said east boundary from the south-east corner of the said Township of Teck;

Thence south 89° 55′ west 791 feet;

Thence north 6° 34′ west 1,321.3 feet;

Thence north 80° 26′ east 953.7 feet, more or less, to a point on the said east boundary of the Township of Teck;

Thence southerly following said east boundary to the said point of commencement;

And containing an area of 34.4 acres, be the same more or less.

SECONDLY: That portion of the Township of Lebel, described as follows:

Commencing at a point on the north boundary of the said Township of Lebel, distant 2,640 feet measured easterly along said north boundary from the north-west corner of said Township of Lebel;

Thence southerly and parallel to the west boundary of the said Township of Lebel, a distance of 1 mile;

Thence westerly and parallel to the said north boundary of the Township of Lebel, a distance of 2,640 feet;

Thence southerly following the west boundary of the said Township of Lebel, a distance of 2¼ miles;

Thence north 75° 58′ east 5,442 feet;

Thence south 84° 43′ east 5 miles and 132 feet, more or less, to a point on the east boundary of the said Township of Lebel;

Thence northerly following said east boundary of the Township of Lebel, 3½ miles more or less, to the north-east corner thereof;

Thence westerly along said north boundary of the Township of Lebel, 5½ miles, more or less, to the said point of commencement;

And containing an area of 12,090 acres, be the same more or less.

THIRDLY: That portion of the Township of Gauthier, described as follows:

Commencing at the north-west corner of the said Township of Gauthier;

Thence southerly along the west boundary of the said Township of Gauthier, a distance of 3½ miles;

Thence easterly parallel to the north boundary of the said Township of Gauthier, a distance of 1¼ miles.

Thence northerly parallel to the said west boundary of the Township of Gauthier, a distance of 3½ miles, to a point on the said north boundary of the Township of Gauthier;

Thence westerly along said north boundary of the Township of Gauthier, a distance of 1¼ miles, more or less, to the said point of commencement;

And containing an area of 2,800 acres, be the same more or less.

FOURTHLY: That portion of the Township of Arnold, described as follows:

Commencing at the north-west corner of the said Township of Arnold;

Thence southerly along the west boundary of the said Township of Arnold, to the south-west corner thereof;

Thence easterly along the south boundary of the said Township of Arnold, a distance of 2 miles;

Thence northerly parallel to the said west boundary of the Township of Arnold, to a point on the north boundary of the said Township of Arnold;

Thence westerly along said north boundary of the Township of Arnold, 2 miles, more or less, to the said point of commencement;

And containing an area of 7,680 acres, be the same more or less.

FIFTHLY: That portion of the Township of Morrisette, described as follows:

Commencing at the north-east corner of the said Township of Morrisette;

Thence southerly along the east boundary of the said Township of Morrisette, to the south-east corner thereof;

Thence westerly along the south boundary of the said Township of Morrisette, a distance of 5½ miles;

Thence north-easterly in a straight line connecting to the said point of commencement, a distance of 8 miles and 740 feet, more or less.

And containing an area of 10,560 acres, be the same more or less.

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BILL

An Act respecting the Township of Teck.

1st Reading

March 15th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. NIXON
(Temiskaming)

1938

No. 36

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 36 1938

BILL

An Act respecting the Town of Collingwood.

Preamble. WHEREAS the corporation of the town of Collingwood has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Town of Collingwood Act, 1938*.

Tax settlements confirmed. **2.** All cancellations, adjustments and reductions of rates or taxes levied prior to the 1st day of January, 1937, made by or with the approval of the council of the corporation, or by the court of revision for the town of Collingwood, are hereby confirmed and declared to be legal, valid and binding.

Assessment roll confirmed. **3.** The assessment roll for the said corporation as finally revised on the 2nd day of September, 1936, is hereby confirmed and declared to be legal, valid and binding.

By-laws 1220 and 1246 confirmed. **4.** By-laws numbered 1220 and 1246 passed by the council of the said corporation on the 15th day of May, 1936, and on the 17th day of April, 1937, to provide by assessment for the expenses of the town of Collingwood for the year 1936 and the year 1937, respectively, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Special provisions respecting 1938 assessment roll. **5.**—(1) Notwithstanding the provisions of *The Assessment Act*, the assessment roll for the said municipality for the year 1938 shall be completed and returned to the clerk of the municipality on or before the 25th day of March, 1938, and the court of revision shall complete its duties on or before the 30th day of April, 1938, and the county judge shall determine any appeal on or before the 20th day of May, 1938.

Rev. Stat., c. 272.

Commencement of section. (2) This section shall come into force on the day upon which this Act receives the Royal Assent.

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Allowances to members of council.

6. The council of the corporation of the town of Collingwood may by by-law, subject to the approval of the Municipal Board, provide for allowances to members of the said council.

Council may reduce council.

Rev. Stat., c. 266.

7. Notwithstanding the provisions of *The Municipal Act*, and subject to the approval of the Municipal Board, the council may by by-law provide that the said council shall be composed of a mayor, a reeve, a deputy reeve and two councillors.

Council may extend term of office of members.

8. Notwithstanding the provisions of *The Municipal Act*, and subject to the approval of the Municipal Board, the council may by by-law extend the term of office of the members of the council to two years.

RECEIVED

BILL

An Act respecting the Town of Collingwood

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. DOWNER

(*Private Bill*)

1938

No. 36

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 36 1938

BILL

An Act respecting the Town of Collingwood.

Preamble.

WHEREAS the corporation of the town of Collingwood has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Collingwood Act, 1938*.

Tax settlements confirmed.

2. All cancellations, adjustments and reductions of rates or taxes levied prior to the 1st day of January, 1937, made by or with the approval of the council of the corporation, or by the court of revision for the town of Collingwood, are hereby confirmed and declared to be legal, valid and binding.

Assessment roll confirmed.

3. The assessment roll for the said corporation as finally revised on the 2nd day of September, 1936, is hereby confirmed and declared to be legal, valid and binding.

By-laws 1220 and 1246 confirmed.

4. By-laws numbered 1220 and 1246 passed by the council of the said corporation on the 15th day of May, 1936, and on the 17th day of April, 1937, to provide by assessment for the expenses of the town of Collingwood for the year 1936 and the year 1937, respectively, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Special provisions respecting 1938 assessment roll.

Rev. Stat., c. 272.

5.—(1) Notwithstanding the provisions of *The Assessment Act*, the assessment roll for the said municipality for the year 1938 shall be completed and returned to the clerk of the municipality on or before the 25th day of March, 1938, and the court of revision shall complete its duties on or before the 30th day of April, 1938, and the county judge shall determine any appeal on or before the 20th day of May, 1938.

Commencement of section.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.

CALIFORNIA

BILL

An Act respecting the Town of Collingwood

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. DOWNER

(*Reprinted as amended by the Committee on Private Bills.*)

1938

No. 36

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 36 1938

BILL

An Act respecting the Town of Collingwood.

Preamble. WHEREAS the corporation of the town of Collingwood has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Town of Collingwood Act, 1938.*

Tax settlements confirmed. **2.** All cancellations, adjustments and reductions of rates or taxes levied prior to the 1st day of January, 1937, made by or with the approval of the council of the corporation, or by the court of revision for the town of Collingwood, are hereby confirmed and declared to be legal, valid and binding.

Assessment roll confirmed. **3.** The assessment roll for the said corporation as finally revised on the 2nd day of September, 1936, is hereby confirmed and declared to be legal, valid and binding.

By-laws 1220 and 1246 confirmed. **4.** By-laws numbered 1220 and 1246 passed by the council of the said corporation on the 15th day of May, 1936, and on the 17th day of April, 1937, to provide by assessment for the expenses of the town of Collingwood for the year 1936 and the year 1937, respectively, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Special provisions respecting 1938 assessment roll. Rev. Stat., c. 272. **5.**—(1) Notwithstanding the provisions of *The Assessment Act*, the assessment roll for the said municipality for the year 1938 shall be completed and returned to the clerk of the municipality on or before the 25th day of March, 1938, and the court of revision shall complete its duties on or before the 30th day of April, 1938, and the county judge shall determine any appeal on or before the 20th day of May, 1938.

Commencement of section. (2) This section shall come into force on the day upon which this Act receives the Royal Assent.

CENTRAL

BILL

An Act respecting the Town of Collingwood

1st Reading

March 15th, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. DOWNER

1938

No. 37

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

MR. LAMPORT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 37 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

Preamble.

WHEREAS Alexander Cameron Lewis of the city of Toronto has by his petition set forth that he has during a period of thirty years been closely associated with the practice of law through his work for eight years in the Toronto civic service where he was in charge of the leasing of city properties and also assisted the corporation counsel of Toronto in the preparation of the city's defence in many damage actions; for seven years as secretary and manager of the Toronto Harbour Commissioners where he had charge of all sales and leases of Harbour Board property and was closely associated with the Board's solicitor in the preparation of cases before the courts to which the Harbour Board was a party; for twelve years as Clerk of the Legislative Assembly of Ontario in which capacity he has been active in the preparation of legislation and in advising the members therein and in connection with legislative procedure; that his service of four years with the Canadian Overseas Forces during the Great War interfered with his intention to enter the study of law and compelled him to abandon the same, and the said Alexander Cameron Lewis has prayed that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor in His Majesty's Courts in the Province of Ontario, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to admit to practise.

1. It shall and may be lawful for the Law Society of Upper Canada to admit the said Alexander Cameron Lewis to practise at the Bar of His Majesty's Courts in the Province of Ontario as a Barrister and Solicitor, on his paying the proper fees in that behalf and without complying with any other requirements of the law or any other rules or regulations of the said Society.

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

1st Reading

2nd Reading

3rd Reading

MR. LAMPORT

(*Private Bill*)

1938

No. 37

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

MR. LAMPORT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 37 1938

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

Preamble.

WHEREAS Alexander Cameron Lewis of the city of Toronto has by his petition set forth that he has during a period of thirty years been closely associated with the practice of law through his work for eight years in the Toronto civic service where he was in charge of the leasing of city properties and also assisted the corporation counsel of Toronto in the preparation of the city's defence in many damage actions; for seven years as secretary and manager of the Toronto Harbour Commissioners where he had charge of all sales and leases of Harbour Board property and was closely associated with the Board's solicitor in the preparation of cases before the courts to which the Harbour Board was a party; for twelve years as Clerk of the Legislative Assembly of Ontario in which capacity he has been active in the preparation of legislation and in advising the members therein and in connection with legislative procedure; that his service of four years with the Canadian Overseas Forces during the Great War interfered with his intention to enter the study of law and compelled him to abandon the same, and the said Alexander Cameron Lewis has prayed that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor in His Majesty's Courts in the Province of Ontario, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to admit to practise.

1. It shall and may be lawful for the Law Society of Upper Canada to admit the said Alexander Cameron Lewis to practise at the Bar of His Majesty's Courts in the Province of Ontario as a Barrister and Solicitor, on his paying the proper fees in that behalf and without complying with any other requirements of the law or any other rules or regulations of the said Society.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 37

BILL

An Act to authorize the Law Society of Upper Canada to admit Alexander Cameron Lewis as a Barrister and Solicitor.

1st Reading

March 15th, 1938

2nd Reading

March 23rd, 1938

3rd Reading

March 28th, 1938

MR. LAMPORT

1938

No. 38

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to authorize Rene Caisse to practise medicine in the Province of Ontario in the treatment of Cancer and conditions resulting therefrom.

MR. KELLY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 38 1938

BILL

An Act to authorize Rene Caisse to practise medicine in the Province of Ontario in the treatment of Cancer and conditions resulting therefrom.

Preamble.

WHEREAS Rene Caisse of the town of Bracebridge, a British subject, has by her petition set forth that she is an independent cancer research worker; that during the past fourteen years she has been actively engaged in developing a remedial and curative treatment for cancer, and has during the past three years been conducting a cancer clinic at the town of Bracebridge, in the district of Muskoka, and has met with a very substantial degree of success in the treatment of cancer, having succeeded in many cases in effecting a complete cure, and, in other cases, in retarding the growth and development of the disease and substantially prolonging the lives of persons afflicted with such disease; that the claims of the said Rene Caisse have been duly investigated and appear meritorious; and the said petitioner has prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to practise medicine in the treatment of cancer.

1. The said Rene Caisse is hereby authorized to practise medicine in the Province of Ontario in the treatment of cancer in all its forms and of human ailments and conditions resulting therefrom.

BILL

An Act to authorize Rene Caisse to practise medicine in the Province of Ontario in the treatment of Cancer and conditions resulting therefrom.

1st Reading

2nd Reading

3rd Reading

MR. KELLY

(*Private Bill*)

1938

No 40

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 40 1938

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Revised Statutes Act, 1938*.

Rev. Stat., 1937, confirmed.

2. The Revised Statutes of Ontario, 1937, as printed by the King's Printer and declared by Proclamation of the Lieutenant-Governor in Council, dated the 21st day of January, 1938, to come into force and have effect as law from and after the 24th day of January, 1938, have been from and after such last-mentioned day and shall hereafter be in force in Ontario to all intents and purposes as though the same were expressly embodied in and enacted by this Act to come into force and have effect as law from and after such last-mentioned day, subject however to subsection 3 of section 4 and sections 7*a* to 13 of the Act of this Legislature passed at the first session in the first year of His Majesty's reign, chaptered 6, and intituled *An Act to provide for the Consolidation of the Statutes of Ontario* as amended by an Act passed at the second session in the first year of His Majesty's reign, chaptered 3, and intituled *An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario*, and to the Acts passed at the present session of this Legislature.

1937, c. 6.

1937 (2nd sess.), c. 3.

Repealed enactments.

3. From and after such last-mentioned day all the enactments in the several Acts and parts of Acts mentioned in Schedule A appended to the Revised Statutes of Ontario, 1937, have been and shall remain repealed to the extent mentioned in the third column of Schedule A, except as provided in any Act passed at the present session of this Legislature.

Judicial interpretation not adopted.

4. This Legislature, by reason of the passing of this Act, shall not be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the Statutes included in the Revised Statutes of Ontario, 1937.

EXPLANATORY NOTE

This Bill confirms the Revised Statutes of Ontario, 1937.

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

1st Reading

February 23rd, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 40

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 40 1938

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Revised Statutes Act, 1938.*

Rev. Stat., 1937, confirmed.

2. The Revised Statutes of Ontario, 1937, as printed by the King's Printer and declared by Proclamation of the Lieutenant-Governor in Council, dated the 21st day of January, 1938, to come into force and have effect as law from and after the 24th day of January, 1938, have been from and after such last-mentioned day and shall hereafter be in force in Ontario to all intents and purposes as though the same were expressly embodied in and enacted by this Act to come into force and have effect as law from and after such last-mentioned day, subject however to subsection 3 of section 4 and sections 7*a* to 13 of the Act of this Legislature passed at the first session in the first year of His Majesty's reign, chaptered 6, and intituled *An Act to provide for the Consolidation of the Statutes of Ontario* as amended by an Act passed at the second session in the first year of His Majesty's reign, chaptered 3, and intituled *An Act to amend the Act to provide for the Consolidation of the Statutes of Ontario*, and to the Acts passed at the present session of this Legislature.

1937, c. 6.

1937 (2nd sess.), c. 3.

Repealed enactments.

3. From and after such last-mentioned day all the enactments in the several Acts and parts of Acts mentioned in Schedule A appended to the Revised Statutes of Ontario, 1937, have been and shall remain repealed to the extent mentioned in the third column of Schedule A, except as provided in any Act passed at the present session of this Legislature.

Judicial interpretation not adopted.

4. This Legislature, by reason of the passing of this Act, shall not be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the Statutes included in the Revised Statutes of Ontario, 1937.

(Deposited)

BILL

An Act to confirm the Revised Statutes of Ontario, 1937.

1st Reading

February 23rd, 1938

2nd Reading

February 25th, 1938

3rd Reading

March 2nd, 1938

MR. CONANT

1938

No. 41

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Fire Marshals Act

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 41 1938

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fire Marshals Amendment Act, 1938.*

Rev. Stat., c. 329, s. 9, subs. 4, amended.

2. Subsection 4 of section 9 of *The Fire Marshals Act* is amended by inserting after the word "officers" in the fifth line the words "or where the Fire Marshal has so designated any other person" so that the said subsection shall now read as follows:

Assistants to the Fire Marshal.

(4) Whenever in any urban municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any urban municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of such bureau or who is so designated, shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act.

Rev. Stat., c. 329, s. 20, subs. 6, amended.

3. Subsection 6 of section 20 of *The Fire Marshals Act* is amended by inserting the word and letter "or *c*" after the letter "*b*" in the first line, so that the said subsection shall now read as follows:

When appeal to Fire Marshal to be final.

(6) In the case of an order made under clause *b* or clause *c* of subsection 2 by an officer other than the Fire Marshal, the occupant or owner shall have the like right of appeal to the Fire Marshal as in the case of an order made under clause *a* of subsection 2, and the decision of the Fire Marshal upon such appeal shall be final and binding and shall not be subject to appeal.

EXPLANATORY NOTES

SECTION 2. The amendment provides that where the Fire Marshal designates any person as a fire prevention officer, such person shall be deemed an assistant to the Fire Marshal.

SECTION 3. The section gives a right of appeal to the Fire Marshal where an officer other than the Fire Marshal has ordered the installation of safeguards.

BILL

An Act to amend The Fire Marshals Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 41

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Fire Marshals Act

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 41 1938

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fire Marshals Amendment Act, 1938.*

Rev. Stat., c. 329, s. 9, subs. 4, amended.

2. Subsection 4 of section 9 of *The Fire Marshals Act* is amended by inserting after the word "officers" in the fifth line the words "or where the Fire Marshal has so designated any other person" so that the said subsection shall now read as follows:

Assistants to the Fire Marshal.

(4) Whenever in any urban municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any urban municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of such bureau or who is so designated, shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act.

Rev. Stat., c. 329, s. 20, subs. 6, amended.

3. Subsection 6 of section 20 of *The Fire Marshals Act* is amended by inserting the word and letter "or *c*" after the letter "*b*" in the first line, so that the said subsection shall now read as follows:

When appeal to Fire Marshal to be final.

(6) In the case of an order made under clause *b* or *c* of subsection 2 by an officer other than the Fire Marshal, the occupant or owner shall have the like right of appeal to the Fire Marshal as in the case of an order made under clause *a* of subsection 2, and the decision of the Fire Marshal upon such appeal shall be final and binding and shall not be subject to appeal.

(Continued)

BILL

An Act to amend The Fire Marshals Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 42

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Judicature Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 42 1938

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Judicature Amendment Act, 1938*.

Rev. Stat., c. 100, s. 1, amended.

2. Section 1 of *The Judicature Act* is amended by adding thereto the following clause:

"Finance committee."

(*gg*) "Finance committee" shall mean finance committee appointed by the Lieutenant-Governor in Council under the provisions of this Act.

Rev. Stat., c. 100, s. 4, amended.

3. Section 4 of *The Judicature Act* is amended by adding thereto the following subsection:

Who to act in absence of Chief Justice of Ontario.

(4) In case of the absence from the County of York of the Chief Justice of Ontario, or in case he is for any reason unable or unwilling to act, his powers shall be exercised and his duties performed by the Chief Justice in Appeal, provided that upon the abolition of the office of Chief Justice in Appeal, such powers and duties shall be exercised and performed by the senior justice of appeal.

Rev. Stat., c. 100, s. 100, subs. 5, amended.

4.—(1) Subsection 5 of section 100 of *The Judicature Act* is amended by striking out the words "the judges of the Supreme Court deem" in the fifth and sixth lines and inserting in lieu thereof the words "the finance committee deems," so that the said subsection shall now read as follows:

Remuneration of Official Guardian.

(5) There shall be paid to the Official Guardian for all business done and all costs in respect of it over and above all disbursements, a fixed annual salary of such sum as, in view of the amount of the business done or to be done by him and the sum at the credit of the account the finance committee deems reasonable and the Lieutenant-Governor in Council approves.

Explanatory Note

The Bill, other than section 3, subsections 2 and 3 of section 4 and section 5, provides that the finance committee which has jurisdiction over the investment of funds in the hands of the Accountant of the Supreme Court shall comprise three persons appointed by the Lieutenant-Governor in Council instead of the judges of the Supreme Court. A similar committee has power of supervision over investments and other dealings of the Public Trustee. Provision is made that funds available for investment shall be invested in securities issued or guaranteed by the Government of Ontario.

Section 3 provides for the exercise and performance of the powers and duties of the Chief Justice of Ontario in the event of his absence or inability to act.

Rev. Stat., c. 100, s. 100, amended.

(2) The said section 100 is further amended by adding thereto the following subsection:

Salary and disbursements,—how payable.

(5*a*) The salary and disbursements shall be paid monthly out of such moneys as may be appropriated by the Legislature for that purpose and the Lieutenant-Governor in Council may provide for the payment out of the moneys at the credit of the account into the Consolidated Revenue Fund of amounts equal to such salary and disbursements.

Rev. Stat., c. 100, s. 100, subs. 6, amended.

(3) Subsection 6 of the said section 100 is amended by striking out all the words at the commencement of the sub-section down to and including the word "and" in the second line, so that the said subsection shall now read as follows:

Transfer of surplus.

(6) Out of the surplus at the credit of the account shall be transferred to the Suitors Fee Fund Account such amount as the finance committee may direct.

Rev. Stat., c. 100, s. 101, subs. 4, re-enacted.

5. Subsection 4 of section 101 of *The Judicature Act* is repealed and the following substituted therefor:

Expenses of Accountant's office.

(4) The expenses of the Accountant's office, including all salaries, shall be payable out of such moneys as may be appropriated by the Legislature, and the Lieutenant-Governor in Council may provide for payment out of the income from the funds in Court into the Consolidated Revenue Fund of amounts equal to such expenses, and such amounts shall be the first charge on the income from the funds in Court.

Rev. Stat., c. 100, s. 102, subs. 1, amended.

6.—(1) Subsection 1 of section 102 of *The Judicature Act* is amended by striking out all the words at the commencement of the subsection down to and including the word "Committee" in the third line and inserting in lieu thereof the words "There shall be a committee known as the 'finance committee' which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and notwithstanding the provisions of this or any other Act the finance committee shall have," so that the said subsection shall now read as follows:

Finance committee.

(1) There shall be a committee known as the "finance committee" which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and notwithstanding the provisions of this or any other Act the finance committee shall have the control and management of the money in court and the

Subsections 2 and 3 of section 4 provide that the salary and disbursements of the Official Guardian's office shall be paid out of the Consolidated Revenue Fund, and section 5 contains a similar provision in respect to the expenses of the Accountant of the Supreme Court.

securities in which it is invested and the investment of such money.

Rev. Stat., c. 100, s. 102, amended.

(2) The said section 102 is further amended by adding thereto the following subsection:

Interest.

(1*a*) The finance committee may provide for the payment of interest upon any money paid into court and may fix the rate of interest so paid.

Rev. Stat., c. 100, s. 102, subs. 3, amended.

(3) Subsection 3 of the said section 102 is amended by striking out all the words after the word "Ontario" in the second line, so that the said subsection shall now read as follows:

Investment of money paid into court.

(3) Money paid into court shall be invested in the name of the Accountant of the Supreme Court of Ontario.

Rev. Stat., c. 100, s. 102, subs. 4, amended.

(4) Subsection 4 of the said section 102 is amended by striking out all the words down to and including the word "such" in the second line and inserting in lieu thereof the word "any," so that the said subsection shall now read as follows:

Investment in provincial securities, etc.

(4) Any money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it.

Rev. Stat., c. 100, s. 102, subs. 6, amended.

(5) Subsection 6 of the said section 102 is amended by striking out the words "the judges of the Supreme Court, or" in the first line, so that the said subsection shall now read as follows:

Trust corporation may be employed.

(6) The finance committee may employ a trust company to make the investments of money paid into court or as custodian of the securities representing investments of such money, on such terms and conditions as may be agreed on.

Transfer of powers, rights and privileges.

7. All the powers, rights and privileges which prior to the coming into force of this Act were vested in the committee of the judges of the Supreme Court called "The Finance Committee" are from and after the date of the coming into force of this Act vested in the finance committee provided for by subsection 1 of section 102 of *The Judicature Act* as amended by this Act.

Rev. Stat., c. 100.

Commencement of Act.

8. This Act shall come into force on the 1st day of April, 1938.

BILL

An Act to amend The Judicature Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 42

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Judicature Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 42 1938

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Judicature Amendment Act, 1938*.

Rev. Stat., c. 100, s. 1, amended.

2. Section 1 of *The Judicature Act* is amended by adding thereto the following clause:

"Finance committee."

(*gg*) "Finance committee" shall mean finance committee appointed by the Lieutenant-Governor in Council under the provisions of this Act.

Rev. Stat., c. 100, s. 4, amended.

3. Section 4 of *The Judicature Act* is amended by adding thereto the following subsection:

Who to act in absence of Chief Justice of Ontario.

(4) In case of the absence from the County of York of the Chief Justice of Ontario, or in case he is for any reason unable or unwilling to act, his powers shall be exercised and his duties performed by the Chief Justice in Appeal, provided that upon the abolition of the office of Chief Justice in Appeal, such powers and duties shall be exercised and performed by the senior justice of appeal.

Rev. Stat., c. 100, s. 100, subs. 5, amended.

4.—(1) Subsection 5 of section 100 of *The Judicature Act* is amended by striking out the words "the judges of the Supreme Court deem" in the fifth and sixth lines and inserting in lieu thereof the words "the finance committee deems," so that the said subsection shall now read as follows:

Remuneration of Official Guardian.

(5) There shall be paid to the Official Guardian for all business done and all costs in respect of it over and above all disbursements, a fixed annual salary of such sum as, in view of the amount of the business done or to be done by him and the sum at the credit of the account the finance committee deems reasonable and the Lieutenant-Governor in Council approves.

(2) The said section 100 is further amended by adding thereto the following subsection: Rev. Stat., c. 100, s. 100, amended.

(5*a*) The salary and disbursements shall be paid monthly out of such moneys as may be appropriated by the Legislature for that purpose and the Lieutenant-Governor in Council may provide for the payment out of the moneys at the credit of the account into the Consolidated Revenue Fund of amounts equal to such salary and disbursements. Salary and disbursements,—how payable.

(3) Subsection 6 of the said section 100 is amended by striking out all the words at the commencement of the subsection down to and including the word "and" in the second line, so that the said subsection shall now read as follows: Rev. Stat., c. 100, s. 100, subs. 6, amended.

(6) Out of the surplus at the credit of the account shall be transferred to the Suitors Fee Fund Account such amount as the finance committee may direct. Transfer of surplus.

5. Subsection 4 of section 101 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat., c. 100, s. 101, subs. 4, re-enacted.

(4) The expenses of the Accountant's office, including all salaries, shall be payable out of such moneys as may be appropriated by the Legislature, and the Lieutenant-Governor in Council may provide for payment out of the income from the funds in court into the Consolidated Revenue Fund of amounts equal to such expenses, and such amounts shall be the first charge on the income from the funds in court. Expenses of Accountant's office.

6.—(1) Subsection 1 of section 102 of *The Judicature Act* is amended by striking out all the words at the commencement of the subsection down to and including the word "Committee" in the third line and inserting in lieu thereof the words "There shall be a committee known as the 'finance committee' which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and notwithstanding the provisions of this or any other Act the finance committee shall have," so that the said subsection shall now read as follows: Rev. Stat., c. 100, s. 102, subs. 1, amended.

(1) There shall be a committee known as the "finance committee" which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and notwithstanding the provisions of this or any other Act the finance committee shall have the control and management of the money in court and the Finance committee.

securities in which it is invested and the investment of such money.

Rev. Stat., c. 100, s. 102, amended.

(2) The said section 102 is further amended by adding thereto the following subsection:

Interest.

(1*a*) The finance committee may provide for the payment of interest upon any money paid into court and may fix the rate of interest so paid.

Rev. Stat., c. 100, s. 102, subs. 3, amended.

(3) Subsection 3 of the said section 102 is amended by striking out all the words after the word "Ontario" in the second line, so that the said subsection shall now read as follows:

Investment of money paid into court.

(3) Money paid into court shall be invested in the name of the Accountant of the Supreme Court of Ontario.

Rev. Stat., c. 100, s. 102, subs. 4, amended.

(4) Subsection 4 of the said section 102 is amended by striking out all the words down to and including the word "such" in the second line and inserting in lieu thereof the word "any," so that the said subsection shall now read as follows:

Investment in provincial securities, etc.

(4) Any money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it.

Rev. Stat., c. 100, s. 102, subs. 6, amended.

(5) Subsection 6 of the said section 102 is amended by striking out the words "the judges of the Supreme Court, or" in the first line, so that the said subsection shall now read as follows:

Trust corporation may be employed.

(6) The finance committee may employ a trust company to make the investments of money paid into court or as custodian of the securities representing investments of such money, on such terms and conditions as may be agreed on.

Transfer of powers, rights and privileges.

7. All the powers, rights and privileges which prior to the coming into force of this Act were vested in the committee of the judges of the Supreme Court called "The Finance Committee" are from and after the date of the coming into force of this Act vested in the finance committee provided for by subsection 1 of section 102 of *The Judicature Act* as amended by this Act.

Rev. Stat., c. 100.

Commencement of Act.

8. This Act shall come into force on the 1st day of April, 1938.

BILL

An Act to amend The Judicature Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 43

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Constables Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 43 1938

BILL

An Act to amend The Constables Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Constables Amendment Act, 1938*.

Rev. Stat., c. 140, s. 35, subs. 1, amended.

2. Subsection 1 of section 35 of *The Constables Act* is amended by striking out the word "of" in the first line and inserting in lieu thereof the words "high constable or officer vested with the powers of a high constable, of or for," by inserting after the word "attorney" in the fourth line the words "or Commissioner of Police for Ontario," and by adding at the end thereof the words "notwithstanding that the officer requesting such services is the member of the Force furnished in compliance with such request," so that the said subsection shall now read as follows:

When county to pay expenses of Ontario police.

(1) When the Crown attorney, high constable or officer vested with the powers of a high constable, of or for any county requests the services of a member of the Force the expenses of any member of the Force furnished in compliance with such request shall be certified by the Crown attorney or Commissioner of Police for Ontario and the amount so certified shall be paid by the treasurer of the county to the Treasurer of Ontario notwithstanding that the officer requesting such services is the member of the Force furnished in compliance with such request.

EXPLANATORY NOTE

The amendment permits a high constable as well as a Crown Attorney to request the services of the Provincial Police and permits the expenses of such Police to be certified by the Commissioner of Police as well as the Crown attorney.

BILL

An Act to amend The Constables Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 43

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Constables Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 43 1938

BILL

An Act to amend The Constables Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Constables Amendment Act, 1938.*

Rev. Stat., c. 140, s. 35, subs. 1, amended.

2. Subsection 1 of section 35 of *The Constables Act* is amended by striking out the word "of" in the first line and inserting in lieu thereof the words "high constable or officer vested with the powers of a high constable, of or for," by inserting after the word "attorney" in the fourth line the words "or Commissioner of Police for Ontario," and by adding at the end thereof the words "notwithstanding that the officer requesting such services is the member of the Force furnished in compliance with such request," so that the said subsection shall now read as follows:

When county to pay expenses of Ontario police.

(1) When the Crown attorney, high constable or officer vested with the powers of a high constable, of or for any county requests the services of a member of the Force the expenses of any member of the Force furnished in compliance with such request shall be certified by the Crown attorney or Commissioner of Police for Ontario and the amount so certified shall be paid by the treasurer of the county to the Treasurer of Ontario notwithstanding that the officer requesting such services is the member of the Force furnished in compliance with such request.

BILL

An Act to amend The Constables Act.

1st Reading

February 25th, 1938

2nd Reading

March 4th, 1938

3rd Reading

March 8th, 1938

MR. CONANT

1938

No. 44

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Administration of Justice Expenses Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 44 1938

BILL

An Act to amend The Administration of Justice Expenses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1938.*

Rev. Stat., c. 141, s. 9, subss. 1, 2, amended.

2. Section 9 of *The Administration of Justice Expenses Act* is amended by inserting after the words "Crown attorney" where they occur in the first line of subsection 1, and in the first and seventh lines of subsection 2 respectively, the words "high constable or officer vested with the powers of a high constable," so that the said subsections 1 and 2 shall now read as follows:

Allowances to constables and others for special services.

9.—(1) Where, in the opinion of the Crown attorney, high constable or officer vested with the powers of a high constable, special services, not covered by the ordinary tariff, are necessary for the detection of crime or the capture of a person who is believed to have committed a crime of a serious character, he may authorize and direct any constable or other person to perform such service, and shall certify upon the account to be rendered by the constable or other person what he deems a reasonable allowance to be paid to the person employed, and the amount so certified shall be paid to such person by the county.

Advances to constables, etc., for expenses in performing special services.

(2) The Crown attorney, high constable or officer vested with the powers of a high constable may direct the treasurer of the county to advance to the constable or other person such sum as he may name for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of such special services, and the treasurer of the county shall pay such sum, upon the written order of the Crown attorney, high constable or officer vested with the powers of a high constable, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed.

EXPLANATORY NOTE

The amendment permits a high constable as well as a Crown attorney to invoke special services in connection with crimes of a serious character.

BILL

An Act to amend The Administration of Justice Expenses Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 44

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Administration of Justice Expenses Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 44 1938

BILL

An Act to amend The Administration of Justice Expenses Act.

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Short title.

1. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1938.*

Rev. Stat., c. 141, s. 9, subss. 1, 2, amended.

2. Section 9 of *The Administration of Justice Expenses Act* is amended by inserting after the words "Crown attorney" where they occur in the first line of subsection 1, and in the first and seventh lines of subsection 2 respectively, the words "high constable or officer vested with the powers of a high constable," so that the said subsections 1 and 2 shall now read as follows:

Allowances to constables and others for special services.

(1) Where, in the opinion of the Crown attorney, high constable or officer vested with the powers of a high constable, special services, not covered by the ordinary tariff, are necessary for the detection of crime or the capture of a person who is believed to have committed a crime of a serious character, he may authorize and direct any constable or other person to perform such service, and shall certify upon the account to be rendered by the constable or other person what he deems a reasonable allowance to be paid to the person employed, and the amount so certified shall be paid to such person by the county.

Advances to constables, etc., for expenses in performing special services.

(2) The Crown attorney, high constable or officer vested with the powers of a high constable may direct the treasurer of the county to advance to the constable or other person such sum as he may name for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of such special services, and the treasurer of the county shall pay such sum, upon the written order of the Crown attorney, high constable or officer vested with the powers of a high constable, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed.

BILL

An Act to amend The Administration of Justice Expenses Act.

1st Reading

February 25th, 1938

2nd Reading

March 4th, 1938

3rd Reading

March 8th, 1938

MR. CONANT

1938

No. 45

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Sheriffs Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 45 1938

BILL

An Act to amend The Sheriffs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sheriffs Amendment Act, 1938.*

Rev. Stat., c. 17, ss. 2-9, repealed.

2. Sections 2 to 9 of *The Sheriffs Act* are repealed.

Powers and duties.

3. From and after the date of the coming into force of this Act the sheriff for the County of York shall exercise the powers and perform the duties heretofore exercised and performed by the sheriff of the City of Toronto and the sheriff of the County of York.

Moneys, accounts, etc.

4. From and after the date of the coming into force of this Act, all moneys, accounts, writs, records, books, files, documents, papers and matters of or belonging to the office of the sheriff of the City of Toronto shall be moneys, accounts, writs, records, books, files, documents, papers and matters of or belonging to the office of the sheriff of the County of York.

Processes.

5. All processes directed to the sheriff of the City of Toronto and all other acts and duties required by law with respect to any matter in the hands of the sheriff of the City of Toronto at the date of the coming into force of this Act, shall be served, executed, done, performed and exercised by the sheriff of the County of York in the same manner and with the same effect as if the same had been served, executed, done, performed or exercised by the sheriff of the City of Toronto and this Act had not been passed.

Commencement of Act.

6. This Act shall come into force on the 30th day of June, 1938.

Explanatory Note

The Bill combines the offices of the sheriffs of the City of Toronto and the County of York.

BILL

An Act to amend The Sheriffs Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 45

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Sheriffs Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 45 1938

BILL

An Act to amend The Sheriffs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sheriffs Amendment Act, 1938*.

Rev. Stat., c. 17, ss. 2-9, repealed.

2. Sections 2 to 9 of *The Sheriffs Act* are repealed.

Powers and duties.

3. From and after the date of the coming into force of this Act the sheriff for the County of York shall exercise the powers and perform the duties heretofore exercised and performed by the sheriff of the City of Toronto and the sheriff of the County of York.

Moneys, accounts, etc.

4. From and after the date of the coming into force of this Act, all moneys, accounts, writs, records, books, files, documents, papers and matters of or belonging to the office of the sheriff of the City of Toronto shall be moneys, accounts, writs, records, books, files, documents, papers and matters of or belonging to the office of the sheriff of the County of York.

Processes.

5. All processes directed to the sheriff of the City of Toronto and all other acts and duties required by law with respect to any matter in the hands of the sheriff of the City of Toronto at the date of the coming into force of this Act, shall be served, executed, done, performed and exercised by the sheriff of the County of York in the same manner and with the same effect as if the same had been served, executed, done, performed or exercised by the sheriff of the City of Toronto and this Act had not been passed.

Commencement of Act.

6. This Act shall come into force on the 30th day of June, 1938.

BILL

An Act to amend The Sheriffs Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 46

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend the Trustee Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 46 1938

BILL

An Act to amend the Trustee Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trustee Amendment Act, 1938.*

Rev. Stat., c. 165, s. 3, amended.

2. Section 3 of *The Trustee Act* is amended by adding thereto the following subsection:

Survivorship.

(2) Until the appointment of new trustees, the personal representatives or representative for the time being of a sole trustee, or where there were two or more trustees, of the last surviving or continuing trustee, shall be capable of exercising or performing any power or trust which was given to or capable of being exercised by the sole or last surviving trustee.

Rev. Stat., c. 165, s. 45, subs. 2, amended.

3. Subsection 2 of section 45 of *The Trustee Act* is amended by striking out the words "trustees" and "trustee" wherever they occur and inserting in lieu thereof the words "personal representatives" and "personal representative" respectively, so that the said subsection shall now read as follows:

Survivorship.

(2) Until the appointment of new personal representatives, the personal representatives or representative for the time being of a sole personal representative, or, where there were two or more personal representatives, of the last surviving or continuing personal representative, shall be capable of exercising or performing any power or trust which was given to, or capable of being exercised by the sole or last surviving personal representative.

Explanatory Note

Provision is made for the exercise and performance of the powers and duties of trustees and personal representatives where for the time being there are no trustees or personal representatives.

BILL

An Act to amend The Trustee Act.

1st Reading

February 25th, 1938.

2nd Reading

3rd Reading

MR. CONANT

1938

No. 46

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend the Trustee Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 46 1938

BILL

An Act to amend the Trustee Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trustee Amendment Act, 1938.*

Rev. Stat., c. 165, s. 3, amended.

2. Section 3 of *The Trustee Act* is amended by adding thereto the following subsection:

Survivorship.

(2) Until the appointment of new trustees, the personal representatives or representative for the time being of a sole trustee, or where there were two or more trustees, of the last surviving or continuing trustee, shall be capable of exercising or performing any power or trust which was given to or capable of being exercised by the sole or last surviving trustee.

Rev. Stat., c. 165, s. 45, subs. 2, amended.

3. Subsection 2 of section 45 of *The Trustee Act* is amended by striking out the words "trustees" and "trustee" wherever they occur and inserting in lieu thereof the words "personal representatives" and "personal representative" respectively, so that the said subsection shall now read as follows:

Survivorship.

(2) Until the appointment of new personal representatives, the personal representatives or representative for the time being of a sole personal representative, or, where there were two or more personal representatives, of the last surviving or continuing personal representative, shall be capable of exercising or performing any power or trust which was given to, or capable of being exercised by the sole or last surviving personal representative.

BILL

An Act to amend The Trustee Act.

1st Reading

February 25th, 1938.

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 47

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Surrogate Courts Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 47 1938

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Surrogate Courts Amendment Act, 1938.*

Rev. Stat., c. 106, s. 74, subs. 1, amended.

2. Subsection 1 of section 74 of *The Surrogate Courts Act* is amended by striking out all the words after the word "estate" in the fourth line, so that the said subsection shall now read as follows:

Fees to be on value of whole estate.

(1) The fees payable upon the value of the estate of the deceased shall be calculated upon the value of the whole estate, including the real estate as well as the personal estate.

Declaration of law.

3. Section 74 of *The Surrogate Courts Act* as amended by this Act shall be deemed to declare the law as from the 1st day of April, 1937.

Explanatory Note

The amendment provides that where fees are payable on the value of the estate such fees, including the fees payable to the registrar, shall be calculated on the value of the whole estate including the value of the real estate as well as the personal estate. It renders the provisions of section 74 consistent with the tariff of fees which came into force April 1st, 1937, and is accordingly made retroactive to that date.

BILL

An Act to amend The Surrogate Courts Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 47

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Surrogate Courts Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 47 1938

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Surrogate Courts Amendment Act, 1938.*

Rev. Stat., c. 106, s. 74, subs. 1, amended.

2. Subsection 1 of section 74 of *The Surrogate Courts Act* is amended by striking out all the words after the word "estate" in the fourth line, so that the said subsection shall now read as follows:

Fees to be on value of whole estate.

(1) The fees payable upon the value of the estate of the deceased shall be calculated upon the value of the whole estate, including the real estate as well as the personal estate.

Declaration of law.

3. Section 74 of *The Surrogate Courts Act* as amended by this Act shall be deemed to declare the law as from the 1st day of April, 1937.

BILL

An Act to amend The Surrogate Courts Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 48

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Burial of War Veterans Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 48 1938

BILL

An Act to amend The Burial of War Veterans Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Burial of War Veterans Amendment Act, 1938.*

Rev. Stat., c. 352, s. 1, amended.

2. Section 1 of *The Burial of War Veterans Act* is amended by inserting after the word "Military" in the second line the word "Air," and by striking out the words and figures "the Great War, 1914-1918" in the third and fourth lines and inserting in lieu thereof the words "any war," so that the said section shall now read as follows:

Liability of municipality for burial of veterans.

1. In the event of the death of any person who is an indigent person and who was a member of His Majesty's Military, Air or Naval Forces in active service during any war, and the burial was provided by and paid for from the Last Post Fund, the municipality in which such person resided at the time of his death shall pay the expenses of such burial, but not exceeding the sum of $15 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said Fund.

Rev. Stat., c. 352, s. 2, amended.

3. Section 2 of *The Burial of War Veterans Act* is amended by inserting after the word "Military" in the second line the word "Air," and by striking out the words and figures "the Great War, 1914-1918" in the third line and inserting in lieu thereof the words "any war," so that the said section shall now read as follows:

In case of workman, compensation payable to Last Post Fund.

2. In the event of the death of any workman who was a member of His Majesty's Military, Air or Naval Forces in active service during any war, and the burial was provided by and paid for from the Last Post Fund, the necessary expenses of the burial payable under the provisions of clause *a* of subsection 1 of section 35 of *The Workmen's Compensation Act* not exceeding $100 shall be paid to the Last Post Fund.

Rev. Stat., c. 204.

Explanatory Note

The amendment extends the provisions of *The Burial of War Veterans Act* to include veterans of the Air Service as well as veterans of the Military and Naval Services and also extends the provisions to include veterans of all wars instead of only those of the Great War.

BILL

An Act to amend the Burial of War Veterans Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 48

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Burial of War Veterans Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 48 1938

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An Act to amend The Burial of War Veterans Act.

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Short title.

1. This Act may be cited as *The Burial of War Veterans Amendment Act, 1938.*

Rev. Stat., c. 352, s. 1, amended.

2. Section 1 of *The Burial of War Veterans Act* is amended by inserting after the word "Military" in the second line the word "Air," and by striking out the words and figures "the Great War, 1914-1918" in the third and fourth lines and inserting in lieu thereof the words "any war," so that the said section shall now read as follows:

Liability of municipality for burial of veterans.

1. In the event of the death of any person who is an indigent person and who was a member of His Majesty's Military, Air or Naval Forces in active service during any war, and the burial was provided by and paid for from the Last Post Fund, the municipality in which such person resided at the time of his death shall pay the expenses of such burial, but not exceeding the sum of $15 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said Fund.

Rev. Stat., c. 352, s. 2, amended.

3. Section 2 of *The Burial of War Veterans Act* is amended by inserting after the word "Military" in the second line the word "Air," and by striking out the words and figures "the Great War, 1914-1918" in the third line and inserting in lieu thereof the words "any war," so that the said section shall now read as follows:

In case of workman, compensation payable to Last Post Fund.

2. In the event of the death of any workman who was a member of His Majesty's Military, Air or Naval Forces in active service during any war, and the burial was provided by and paid for from the Last Post Fund, the necessary expenses of the burial payable under the provisions of clause *a* of subsection 1 of section 35 of *The Workmen's Compensation Act* not exceeding $100 shall be paid to the Last Post Fund.

Rev. Stat., c. 204.

BILL

An Act to amend The Burial of War Veterans Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. KIRBY

1938

No. 49

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Nurses' Registration Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 49 1938

BILL

An Act to amend The Nurses' Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Nurses' Registration Amendment Act, 1938.*

Rev. Stat., c. 230, amended.

2. *The Nurses' Registration Act* is amended by adding thereto the following section:

Penalty for unauthorized training school.

2a. No person shall establish, maintain or conduct a training school for nurses or shall train or instruct or hold himself out as being able or willing to train or instruct persons to become nurses without consent in writing of the Minister of Health, and any person contravening the provisions of this section shall incur a penalty of not less than $50 and not exceeding $100 for the first offence and not less than $100 and not exceeding $500 for each subsequent offence, which shall be recoverable under *The Summary Convictions Act.*

Rev. Stat., c. 136.

Explanatory Note

The amendment prohibits the establishment of training schools for nurses without the approval of the Minister of Health.

BILL

An Act to amend The Nurses' Registration Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 49

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Nurses' Registration Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 49 1938

BILL

An Act to amend The Nurses' Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Nurses' Registration Amendment Act, 1938.*

Rev. Stat., c. 230, amended.

2. *The Nurses' Registration Act* is amended by adding thereto the following section:

Penalty for unauthorized training school.

2*a*. No person shall establish, maintain or conduct a training school for nurses or shall train or instruct or hold himself out as being able or willing to train or instruct persons to become nurses without the consent in writing of the Minister of Health, and any person contravening the provisions of this section shall incur a penalty of not less than $50 and not exceeding $100 for the first offence and not less than $100 and not exceeding $500 for each subsequent offence, which shall be recoverable under *The Summary Convictions Act.* Rev. Stat., c. 136.

BILL

An Act to amend The Nurses' Registration Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. KIRBY

No. 50

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Private Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 50 1938

BILL

An Act to amend The Private Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Private Hospitals Amendment Act, 1938.*

Rev. Stat., c. 391, amended.

2. *The Private Hospitals Act* is amended by adding thereto the following section:

Use of term "hospital."

1*a*. No person shall use the term "hospital" or designate any place as a hospital without a license under this Act or some other Act of this Legislature.

EXPLANATORY NOTE

The amendment prohibits the unauthorized use of the term "hospital."

BILL

An Act to amend The Private Hospitals Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 50

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Private Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
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No. 50 1938

BILL

An Act to amend The Private Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Private Hospitals Amendment Act, 1938.*

Rev. Stat., c. 391, amended.

2. *The Private Hospitals Act* is amended by adding thereto the following section:

Use of term "hospital."

1*a*. No person shall use the term "hospital" or designate any place as a hospital without a license under this Act or some other Act of this Legislature.

BILL

An Act to amend The Private Hospitals Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. KIRBY

1938

No. 51

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Mental Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 51 1938

BILL

An Act to amend The Mental Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mental Hospitals Amendment Act, 1938.*

Rev. Stat., c. 392, s. 36, subs. 2, amended.

2. Subsection 2 of section 36 of *The Mental Hospitals Act* is amended by striking out the word "the" where it occurs in the eighth and eleventh lines respectively and inserting in lieu thereof the word "an," and by striking out the words "from which he was released on probation" in the eighth and ninth lines, so that the said subsection shall now read as follows:

Return from probation.

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to an institution, and such warrant shall be an authority to anyone acting under it to apprehend the person named therein and to bring him back to an institution.

Rev. Stat., c. 392, s. 37, amended.

3. Section 37 of *The Mental Hospitals Act* is amended by inserting after the word "release" in the fifth line the words "or until he is discharged," so that the said section shall now read as follows:

Application of the Act to probationers.

37. Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release or until he is discharged be and be deemed to continue as a patient in such institution in the same manner and to the same

Explanatory Notes

Section 2. Where a patient is released from a mental hospital on probation and it later becomes necessary to return him to a mental hospital, the Act requires that he be returned to the same hospital from which he was released. The amendment permits him to be returned to *any* mental hospital.

Section 3. The amendment takes care of the situation where a patient in a mental hospital is discharged within six months of being released on probation.

extent and be subject to the same control as if he were not so released but had remained in the institution.

Rev. Stat., c. 392, s. 57, amended.

4. Section 57 of *The Mental Hospitals Act* is amended by inserting after the word "hospital" in the second line the words "or any other institution," so that the said section shall now read as follows:

Admission; classes of patients.

57. Any person suffering from epilepsy may be admitted to such hospital or any other institution who is a,—

(*a*) voluntary patient;

(*b*) certificated patient;

(*c*) Deputy Minister's warrant patient;

(*d*) Lieutenant-Governor's warrant patient;

(*e*) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations.

Rev. Stat., c. 392, s. 58, amended.

5. Section 58 of *The Mental Hospitals Act* is amended by adding at the end thereof the words "and to the admission of any person as an epileptic patient into any institution and his detention therein," so that the said section shall now read as follows:

Provisions applicable.

58. The provisions of sections 19 to 45 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock, and to the admission of any person as an epileptic patient into any institution and his detention therein.

Rev. Stat., c. 392, s. 70, amended.

6. Section 70 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

Proof of notice and demand for payment.

(2) In any action or other proceeding to recover any sum owing by any person, municipal corporation or the estate of any person for the maintenance of any patient it shall be sufficient to prove that the steward has sent a notice and demand for payment referred to in subsection 1 within the three months preceding the commencement of the action or other proceeding and no proof shall be required that any prior notices or demands for payment were sent.

SECTION 4. The amendment permits epileptics to be admitted to any mental hospital, hospital school or examination unit instead of restricting the admission of such persons to the Ontario Hospital, Woodstock.

SECTION 5. The amendment is complementary to that contained in section 4 and provides for the admission of epileptics to institutions other than the Ontario Hospital, Woodstock.

SECTION 6. The amendment provides for the manner of proving claims for maintenance.

BILL

An Act to amend The Mental Hospitals Act.

1st Reading

February 25th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 51

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Mental Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
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No. 51 1938

BILL

An Act to amend The Mental Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mental Hospitals Amendment Act, 1938.*

Rev. Stat., c. 392, s. 36, subs. 2, amended.

2. Subsection 2 of section 36 of *The Mental Hospitals Act* is amended by striking out the word "the" where it occurs in the eighth and eleventh lines respectively and inserting in lieu thereof the word "an," and by striking out the words "from which he was released on probation" in the eighth and ninth lines, so that the said subsection shall now read as follows:

Return from probation.

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to an institution, and such warrant shall be an authority to anyone acting under it to apprehend the person named therein and to bring him back to an institution.

Rev. Stat., c. 392, s. 37, amended.

3. Section 37 of *The Mental Hospitals Act* is amended by inserting after the word "release" in the fifth line the words "or until he is discharged," so that the said section shall now read as follows:

Application of the Act to probationers.

37. Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release or until he is discharged be and be deemed to continue as a patient in such institution in the same manner and to the same

extent and be subject to the same control as if he were not so released but had remained in the institution.

4. Section 57 of *The Mental Hospitals Act* is amended by inserting after the word "hospital" in the second line the words "or any other institution," so that the said section shall now read as follows: Rev. Stat., c. 392, s. 57, amended.

57. Any person suffering from epilepsy may be admitted to such hospital or any other institution who is a,— Admission; classes of patients.

(*a*) voluntary patient;

(*b*) certificated patient;

(*c*) Deputy Minister's warrant patient;

(*d*) Lieutenant-Governor's warrant patient;

(*e*) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations.

5. Section 58 of *The Mental Hospitals Act* is amended by adding at the end thereof the words "and to the admission of any person as an epileptic patient into any institution and his detention therein," so that the said section shall now read as follows: Rev. Stat., c. 392, s. 58, amended.

58. The provisions of sections 19 to 45 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock, and to the admission of any person as an epileptic patient into any institution and his detention therein. Provisions applicable.

6. Section 70 of *The Mental Hospitals Act* is amended by adding thereto the following subsection: Rev. Stat., c. 392, s. 70, amended.

(2) In any action or other proceeding to recover any sum owing by any person, municipal corporation or the estate of any person for the maintenance of any patient it shall be sufficient to prove that the steward has sent a notice and demand for payment referred to in subsection 1 within the three months preceding the commencement of the action or other proceeding and no proof shall be required that any prior notices or demands for payment were sent. Proof of notice and demand for payment.

No. 51

BILL

An Act to amend The Mental Hospitals Act.

1st Reading

February 25th, 1938

2nd Reading

February 28th, 1938

3rd Reading

March 3rd, 1938

MR. KIRBY

1938

No. 52

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Department of Labour Act.

MR. MACBRIDE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 52 1938

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Department of Labour Amendment Act, 1938.*

Rev. Stat., c. 69, s. 6, subs. 1, amended.

2.—(1) Subsection 1 of section 6 of *The Department of Labour Act* is amended by striking out the word "five" in the third line, and inserting in lieu thereof the words "not more than three," and by striking out the word "three" in the fifth line and inserting in lieu thereof the word "all," so that the said subsection shall now read as follows:

Establishment of Industry and Labour Board.

(1) There is hereby constituted a board to be named "The Industry and Labour Board," herein called the board, which shall consist of not more than three members to be appointed by the Lieutenant-Governor in Council, one of whom shall be designated as chairman, and all of whom shall be officers of the Department of Labour.

Rev. Stat., c. 69, s. 6, subs. 3, repealed.

(2) Subsection 3 of the said section 6 is repealed.

Rev. Stat., c. 69, s. 8, subs. 1, amended.

3. Subsection 1 of section 8 of *The Department of Labour Act* is amended by adding thereto the following clause:

(*c*) in the construction of coffer dams and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life.

Explanatory Notes

Section 2.—(1) This amendment provides that the Industry and Labour Board shall consist of three members who shall be officers of the Department of Labour.

(2) The provision of the Act providing for a *per diem* allowance to members of the Board who were not employees of the Department of Labour, is repealed.

Section 3. It is proposed that regulations may be made to protect persons engaged in the construction of coffer dams and crib work in water or other places.

BILL

An Act to amend The Department of Labour Act.

1st Reading

February 28th, 1938

2nd Reading

3rd Reading

MR. MACBRIDE

1938

No. 52

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Department of Labour Act.

MR. MACBRIDE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 52 1938

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Department of Labour Amendment Act, 1938.*

Rev. Stat., c. 69, s. 6, subs. 1, amended.

2.—(1) Subsection 1 of section 6 of *The Department of Labour Act* is amended by striking out the word "five" in the third line, and inserting in lieu thereof the words "not more than three," and by striking out the word "three" in the fifth line and inserting in lieu thereof the word "all," so that the said subsection shall now read as follows:

Establishment of Industry and Labour Board.

(1) There is hereby constituted a board to be named "The Industry and Labour Board," herein called the board, which shall consist of not more than three members to be appointed by the Lieutenant-Governor in Council, one of whom shall be designated as chairman, and all of whom shall be officers of the Department of Labour.

Rev. Stat., c. 69, s. 6, subs. 3, repealed.

(2) Subsection 3 of the said section 6 is repealed.

Rev. Stat., c. 69, s. 8, subs. 1, amended.

3. Subsection 1 of section 8 of *The Department of Labour Act* is amended by adding thereto the following clause:

(*c*) in the construction of coffer dams and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life.

BILL

An Act to amend The Department of Labour Act.

1st Reading

February 28th, 1938

2nd Reading

March 2nd, 1938

3rd Reading

March 3rd, 1938

MR. MACBRIDE

1938

No. 53

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Magistrates Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
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No. 53 1938

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Magistrates Amendment Act, 1938*.

Rev. Stat., c. 133, s. 15, subs. 2, re-enacted.

2. Subsection 2 of section 15 of *The Magistrates Act* is repealed and the following substituted therefor:

Payment of expenses.

(2) Except in the case of a magistrate whose salary is directed to be paid by a city, as provided in subsection 1, every magistrate shall, from the total amount of the moneys coming into his hands in fines and fees which would otherwise accrue to the treasurer of a municipality, deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario.

Provincial percentage.

Rev. Stat., c. 133, s. 18, subs. 1, repealed.

3. Subsection 1 of section 18 of *The Magistrates Act* is repealed.

Explanatory Notes

This Bill provides for the equitable distribution of the expenses incidental to the operation of the magisterial system.

The Province and every municipality in which a magistrate holds court will pay such expenses pro rata from the moneys accruing to each.

BILL

An Act to amend The Magistrates Act

1st Reading

February 28th, 1938.

2nd Reading

3rd Reading

MR. CONANT

1938

No. 53

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Magistrates Act.

MR. CONANT

TORONTO
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No. 53 1938

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Magistrates Amendment Act, 1938*.

Rev. Stat., c. 133, s. 15, subs. 2, re-enacted.

2. Subsection 2 of section 15 of *The Magistrates Act* is repealed and the following substituted therefor:

Payment of expenses.

(2) Except in the case of a magistrate whose salary is directed to be paid by a city, as provided in subsection 1, every magistrate shall, from the total amount of the moneys coming into his hands in fines and fees which would otherwise accrue to the treasurer of a municipality, deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector,

Provincial percentage.

and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario.

Rev. Stat., c. 133, s. 18, subs. 1, repealed.

3. Subsection 1 of section 18 of *The Magistrates Act* is repealed.

BILL

An Act to amend The Magistrates Act

1st Reading

February 28th, 1938.

2nd Reading

March 2nd, 1938

3rd Reading

March 3rd, 1938

MR. CONANT

1938

No. 54

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Steam Boiler Act.

MR. MACBRIDE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 54 1938

BILL

An Act to amend The Steam Boiler Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Steam Boiler Amendment Act, 1938.*

Rev. Stat., c. 343, s. 3, re-enacted.

2. Section 3 of *The Steam Boiler Act* is repealed and the following substituted therefor:

When to come into effect.

3. Notice that regulations have been passed shall be published in the *Ontario Gazette* and such regulations shall come into force and have effect from and after the tenth dayafter the publication of such notice.

Rev. Stat., c. 343, s. 10, subs. 1, amended.

3. Subsection 1 of section 10 of *The Steam Boiler Act* is amended by striking out the words, symbol and figure "a fee of $5" in the fourth line and inserting in lieu thereof the words "such fee as may be prescribed by the regulations," so that the said subsection shall now read as follows:

Inspection certificate.

Fee.

(1) Upon completion of his inspection, the inspector shall issue to the owner or manufacturer of the boiler an inspection certificate, and the owner or manufacturer shall pay the inspector such fee as may be prescribed by the regulations for such inspection and the issue of such certificate.

Explanatory Notes

Section 2. Regulations that may be passed under the provisions of the Act are very lengthy and this section of the Bill provides for the publication in the *Ontario Gazette* of notice that such regulations have been passed in place of publishing the regulations and further provides when the regulations shall come into force.

Section 3. This amendment provides that the fees of Inspectors for inspecting a boiler shall be the fee prescribed by regulation in place of a fee of $5.

BILL

An Act to amend The Steam Boiler Act.

1st Reading

March 2nd, 1938

2nd Reading

3rd Reading

MR. MACBRIDE

1938

No. 54

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Steam Boiler Act.

MR. MACBRIDE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 54 1938

BILL

An Act to amend The Steam Boiler Act.

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Short title.

1. This Act may be cited as *The Steam Boiler Amendment Act, 1938*.

Rev. Stat., c. 343, s. 3, re-enacted.

2. Section 3 of *The Steam Boiler Act* is repealed and the following substituted therefor:

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Inspection certificate.

Fee.

(1) Upon completion of his inspection, the inspector shall issue to the owner or manufacturer of the boiler an inspection certificate, and the owner or manufacturer shall pay the inspector such fee as may be prescribed by the regulations for such inspection and the issue of such certificate.

BILL

An Act to amend The Steam Boiler Act.

1st Reading

March 2nd, 1938

2nd Reading

March 4th, 1938

3rd Reading

March 8th, 1938

MR. MACBRIDE

1938

No. 55

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Trustee Act.

MR. STRACHAN

TORONTO
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No. 55 1938

BILL

An Act to amend The Trustee Act.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trustee Amendment Act, 1938*.

Rev. Stat., c. 165, s. 37, subs. 1, amended.

2. Subsection 1 of section 37 of *The Trustee Act* is amended by adding at the end thereof the words "provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act*," so that the said subsection shall now read as follows:

Actions by executors and administrators for torts.

(1) Except in cases of libel and slander, the executor or administrator of any deceased person may maintain an action for all torts or injuries to the person or to the property of the deceased in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do, and the damages when recovered shall form part of the personal estate of the deceased; provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act*.

Proviso.

Rev. Stat., c. 210.

EXPLANATORY NOTE

This amendment provides that no damages for the death or loss of expectancy of life of a deceased person shall be recovered for his estate.

BILL

An Act to amend The Trustee Act.

1st Reading

March 2nd, 1938

2nd Reading

3rd Reading

MR. STRACHAN

1938

No. 55

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Trustee Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 55 1938

BILL

An Act to amend The Trustee Act.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trustee Amendment Act, 1938.*

Rev. Stat., c. 165, s. 37, subs. 1, amended.

2. Subsection 1 of section 37 of *The Trustee Act* is amended by adding at the end thereof the words "provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life to any person other than the wife, husband, parent or child of the deceased, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act*," so that the said subsection shall now read as follows:

Actions by executors and administrators for torts.

(1) Except in cases of libel and slander, the executor or administrator of any deceased person may maintain an action for all torts or injuries to the person or to the property of the deceased in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do, and the damages when recovered shall form part of the personal estate of the deceased; provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life to any person other than the wife, husband, parent or child of the deceased, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act.*

Proviso.

Rev. Stat., c. 210.

EXPLANATORY NOTE

This amendment provides that no damages for the death or loss of expectancy of life of a deceased person shall be recovered for his estate, except in the case of the wife, husband, parent or child of the deceased person.

BILL

An Act to amend The Trustee Act.

1st Reading

March 2nd, 1938

2nd Reading

April 1st, 1938

3rd Reading

MR. STRACHAN

(*Reprinted as amended by the Committee on Legal Bills.*)

1938

No. 55

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Trustee Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 55 1938

BILL

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Short title.

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Rev. Stat., c. 165, s. 37, subs. 1, amended.

2. Subsection 1 of section 37 of *The Trustee Act* is amended by adding at the end thereof the words "provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act*," so that the said subsection shall now read as follows:

Actions by executors and administrators for torts.

(1) Except in cases of libel and slander, the executor or administrator of any deceased person may maintain an action for all torts or injuries to the person or to the property of the deceased in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do, and the damages when recovered shall form part of the personal estate of the deceased; provided that if death results from such injuries no damages shall be allowed for the death or for the loss of the expectation of life, but this proviso shall not be in derogation of any rights conferred by *The Fatal Accidents Act.*

Proviso.

Rev. Stat., c. 210.

Pending litigation not affected.

3. This Act shall not apply to pending litigation.

No. 55

BILL

An Act to amend The Trustee Act.

1st Reading

March 2nd, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. STRACHAN

1938

No. 56

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act respecting the Pasteurization of Milk.

Mr. Kirby

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 56 1938

BILL

An Act respecting the Pasteurization of Milk.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health (Pasteurization) Act, 1938*.

Rev. Stat., c. 299, s. 1, amended.

2. Section 1 of *The Public Health Act* is amended by inserting therein the following clauses:

"Milk."

(*kk*) "Milk" shall include whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;

"Pasteurization."

(*oo*) "Pasteurization" shall mean the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and "pasteurized" shall have a corresponding meaning.

Rev. Stat., c. 299, s. 5, amended.

3. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Regulations,—pasteurization; certificate of approval.

(*zb*) regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized, or in which milk products are prepared.

Rev. Stat., c. 299, amended.

4. *The Public Health Act* is amended by adding thereto the following heading and section:

PASTEURIZATION OF MILK.

No person to sell unpasteurized milk.

95*a*.—(1) No person shall sell, offer for sale, or deliver in any city or town, or in any other municipality or other area to which by declaration of the Department

Explanatory Notes

Section 2. This section contains a definition of "milk" and "pasteurization" as these words are used in amendments contained in the Bill.

Section 3. Provision is made for the making of regulations regarding the pasteurization of milk and the approval of milk plants.

Section 4. The section prohibits the sale of unpasteurized milk in certain municipalities and other areas, provides for the seizure of milk believed to be unpasteurized, and provides a penalty for a contravention of the Act.

this section is made applicable, milk which has not been pasteurized in a pasteurization plant to which the Department has issued a certificate of approval in the prescribed form.

Exceptions.

(2) This section shall not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Department.

Seizure of milk.

(3) Any medical officer of health, sanitary inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

Penalty.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than $25 nor more than $500.

Commencement of Act.

5. Section 4 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

No. 56

BILL

An Act respecting the Pasteurization of Milk.

1st Reading

March 2nd, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 56

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Pasteurization of Milk.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 56 1938

BILL

An Act respecting the Pasteurization of Milk.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health (Pasteurization) Act, 1938.*

Rev. Stat., c. 299, s. 1, amended.

2. Section 1 of *The Public Health Act* is amended by inserting therein the following clauses:

"Milk."

(*kk*) "Milk" shall include whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;

"Pasteurization."

(*oo*) "Pasteurization" shall mean the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and "pasteurized" shall have a corresponding meaning.

Rev. Stat., c. 299, s. 5, amended.

3. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Regulations,—pasteurization; certificate of approval.

(*zb*) regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized, or in which milk products are prepared.

Rev. Stat., c. 299, amended.

4. *The Public Health Act* is amended by adding thereto the following heading and section:

PASTEURIZATION OF MILK.

No person to sell unpasteurized milk.

95*a*.—(1) No person shall sell, offer for sale, or deliver in any city or town, or in any other municipality or other area to which by order-in-council made upon the recommendation of the Minister this

Explanatory Notes

Section 2. This section contains a definition of "milk" and "pasteurization" as these words are used in amendments contained in the Bill.

Section 3. Provision is made for the making of regulations regarding the pasteurization of milk and the approval of milk plants.

Section 4. The section prohibits the sale of unpasteurized milk in certain municipalities and other areas, provides for the seizure of milk believed to be unpasteurized, and provides a penalty for a contravention of the Act.

section is made applicable, milk which has not been pasteurized in a pasteurization plant to which the Department has issued a certificate of approval in the prescribed form.

Exceptions.

(2) This section shall not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Department.

Seizure of milk.

(3) Any medical officer of health, sanitary inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

Penalty.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than $25 nor more than $500.

Commencement of Act.

5. Section 4 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

No. 56

BILL

An Act respecting the Pasteurization of Milk.

1st Reading

March 2nd, 1938

2nd Reading

March 7th, 1938

3rd Reading

MR. KIRBY

(*Reprinted as amended in Committee of the Whole House.*)

No. 56

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Pasteurization of Milk.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 56 1938

BILL

An Act respecting the Pasteurization of Milk.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health (Pasteurization) Act, 1938*.

Rev. Stat., c. 299, s. 1, amended.

2. Section 1 of *The Public Health Act* is amended by inserting therein the following clauses:

"Milk."

(*kk*) "Milk" shall include whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;

"Pasteurization."

(*oo*) "Pasteurization" shall mean the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and "pasteurized" shall have a corresponding meaning.

Rev. Stat., c. 299, s. 5, amended.

3. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Regulations,—pasteurization; certificate of approval.

(*zb*) regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized, or in which milk products are prepared.

Rev. Stat., c. 299, amended.

4. *The Public Health Act* is amended by adding thereto the following heading and section:

PASTEURIZATION OF MILK.

No person to sell unpasteurized milk.

95*a*.—(1) No person shall sell, offer for sale, or deliver in any city or town, or in any other municipality or other area to which by order-in-council made upon the recommendation of the Minister this

section is made applicable, milk which has not been pasteurized in a pasteurization plant to which the Department has issued a certificate of approval in the prescribed form.

(2) This section shall not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Department. Exceptions.

(3) Any medical officer of health, sanitary inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made. Seizure of milk.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than $25 nor more than $500. Penalty.

5. Section 4 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

BILL

An Act respecting the Pasteurization of Milk.

1st Reading

March 2nd, 1938

2nd Reading

March 7th, 1938

3rd Reading

March 23rd, 1938

MR. KIRBY

1938

No. 57

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to confirm Tax Sales.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 57 1938

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Tax Sales Confirmation Act, 1938.*

Tax sales and conveyances confirmed.

2. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1937, and purporting to have been made for arrears of taxes payable to the municipal corporation or to the school board of the school section in an unorganized township, in respect to the land so sold, are hereby confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act*, and purporting to convey such land to the purchaser thereof, or his heirs or assigns, or to the municipal corporation or school board, are also confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting such land in the purchaser, or his heirs or assigns, or their heirs or assigns, or in the municipal corporation or school board or its successors or assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right, title and interest of the owners thereof at the time of such sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat., c. 272.

Registered tax arrears certificates confirmed.

3.—(1) Every tax arrears certificate registered prior to the 1st day of January, 1937, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple or otherwise according to the nature of the estate or interest of the owner thereof

1932, c. 27. 1935, c. 16.

Explanatory Notes

Section 2. All sales of land for taxes held prior to January 1st, 1937, and all conveyances of such land, are confirmed.

Sections 3, 4 and 5. These sections, which apply in supervised municipalities only, confirm tax arrears certificates registered prior to January 1st, 1937, and redemption certificates and vacating certificates registered prior to the coming into force of the Act.

at the time of such registration, clear of and free from all right, title and interest of such owner or his assigns, and of all charges or encumbrances or dower therein.

Right of redemption continued.

(2) Notwithstanding that under subsection 1, land in respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act.*

Rev. Stat., c. 59.

Registered Redemption certificates confirmed.

4. Every redemption certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the lands described therein, and of cancelling the tax arrears certificate registered with respect to such lands.

1932, c. 27. 1935, c. 16. Rev. Stat., c. 59.

Registered vacating certificates confirmed.

5. Every vacating certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the lands described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes in respect to such lands.

1935, c. 16.

Rev. Stat., c. 59.

Pending litigation not affected.

6. Nothing in this Act contained shall affect or prejudice any rights of any person under any action, litigation or other proceeding now pending, but such action, litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown.

7. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

SECTIONS 6 and 7. Self-explanatory.

No. 57

BILL

An Act to confirm Tax Sales.

1st Reading

March 2nd, 1938

2nd Reading

3rd Reading

Mr. Cross

1938

No. 57

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to confirm Tax Sales.

Mr. Cross

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 57 1938

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Tax Sales Confirmation Act, 1938.*

Tax sales and conveyances confirmed.

2. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1937, and purporting to have been made for arrears of taxes payable to the municipal corporation or to the school board of the school section in an unorganized township, in respect to the land so sold, are hereby confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act*, and purporting to convey such land to the purchaser thereof, or his heirs or assigns, or to the municipal corporation or school board, are also confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting such land in the purchaser, or his heirs or assigns, or their heirs or assigns, or in the municipal corporation or school board or its successors or assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right, title and interest of the owners thereof at the time of such sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat., c. 272.

Registered tax arrears certificates confirmed.

1932, c. 27. 1935, c. 16.

3.—(1) Every tax arrears certificate registered prior to the 1st day of January, 1937, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple or otherwise according to the nature of the estate or interest of the owner thereof

at the time of such registration, clear of and free from all right, title and interest of such owner or his assigns, and of all charges or encumbrances or dower therein.

Right of redemption continued.

(2) Notwithstanding that under subsection 1, land in respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*. Rev. Stat., c. 59.

Registered Redemption certificates confirmed.

4. Every redemption certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land. 1932, c. 27. 1935, c. 16. Rev. Stat., c. 59.

Registered vacating certificates confirmed. 1935, c. 16. Rev. Stat., c. 59.

5. Every vacating certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes in respect to such land.

Pending litigation not affected.

6. Nothing in this Act contained shall affect or prejudice any rights of any person under any action, litigation or other proceeding now pending, but such action, litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown.

7. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

No. 57

BILL

An Act to confirm Tax Sales.

1st Reading

March 2nd, 1938

2nd Reading

March 4th, 1938

3rd Reading

March 8th, 1938

MR. CROSS

1938

No. 58

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 58 1938

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Registry Amendment Act, 1938.*

Rev. Stat., c. 170, s. 21, subs. 2, amended.

2. Subsection 2 of section 21 of *The Registry Act* is amended by adding at the end thereof the words "and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form," so that the said subsection shall now read as follows:

Pattern.

(2) All registry books shall be as nearly as may be of the like, size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable, and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form.

Rev. Stat., c. 170, s. 40, amended.

3. Section 40 of *The Registry Act* is amended by striking out the words "the signature of the secretary, manager or attorney or presiding officer thereof" in the third and fourth lines and inserting in lieu thereof the words "the signatures of the persons purporting to be the signing officers of the corporation together with an affidavit in accordance with Form 7*a* of one of the persons so signing," so that the said section shall now read as follows:

Seal of court or seal of Corporation with signature of officer to suffice for registration.

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signatures of the persons purporting to be the signing officers of the corporation together with an affidavit in accordance with Form 7*a*, of one of the persons so signing, shall be sufficient evidence for the purpose of registration, of the due

Explanatory Notes

Section 2. This amendment provides that with the approval of the Inspector, registry books, other than abstract index books, may be in loose-leaf form.

Section 3. This amendment provides that an instrument executed by a corporation shall be accompanied by the affidavit of one of the persons signing such instrument.

execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation.

Rev. Stat., c. 170, s. 59, subs. 1, amended.

4. Subsection 1 of section 59 of *The Registry Act* is amended by striking out the words "may be registered, and the same" in the fourth line, and by striking out the word "but" in the sixth line and inserting in lieu thereof the words "provided that no affidavit of execution shall be required and," so that the said subsection shall now read as follows:

Registration of notice of sale.

Rev. Stat. c. 155.

(1) A notice of sale of land under the provisions of *The Mortgages Act*, and a notice of exercising the power of sale contained in any mortgage and the affidavit or declaration of service thereof shall be registered in the same manner as an instrument affecting land, provided that no affidavit of execution shall be required and it shall not be necessary to record the notice or the affidavit or declaration of service attached thereto in the registry book.

Rev. Stat., c. 170, s. 63, subs. 2, amended.

5.—(1) Subsection 2 of section 63 of *The Registry Act* is amended by adding at the end thereof the words "provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required," so that the said subsection shall now read as follows:

Production and cancellation of duplicate mortgage on registering discharge.

(2) Where a discharge of mortgage is tendered for registration, there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing such discharge, stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor and in such case, the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge; provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required.

Proviso.

Rev. Stat., c. 170, s. 63, subs. 4, amended.

(2) Subsection 4 of the said section 63 is amended by inserting after the word "assignment" in the first line the word "produced," so that the said subsection shall now read as follows:

Stamping discharged mortgage.

(4) The duplicate mortgage and any duplicate assignment produced, before being returned, shall be stamped by the registrar with a perforating stamp bearing the words "*Discharge Registered*" across the signatures

SECTION 4. This amendment provides a notice of sale of land and a notice of exercising the power of sale *shall* be registered, in place of *may* be registered, and further provides that no affidavit of execution shall be required.

SECTION 5. (Subsection 1.) This amendment provides that when an assignment of a mortgage includes other property that it will not be necessary to produce the duplicate assignment on registering the discharge.

(Subsection 2.) This amendment harmonizes with the amendment made by subsection 1 of section 5 of the Bill by providing that it will only be necessary to stamp an assignment produced, with the perforating stamp.

of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration.

Rev. Stat., c. 170, amended.

6. *The Registry Act* is amended by adding thereto the following form:

FORM 7*a*

(*Section 40*)

AFFIDAVIT OF EXECUTION WHERE THE INSTRUMENT IS SIGNED BY THE OFFICERS OF A CORPORATION

County (*or* District, of
To WIT:

I, *A.B.* (*stating residence and occupation*) make oath and say:

1. That the instrument attached hereto is signed by myself as (*Secretary*), and *C.D.* as (*Director*) of the (*Name of Corporation*).

2. That on the date of the execution of the instrument I was (*the Secretary*) and *C.D.* was (*a Director*) of the said corporation.

3. That under the by-laws of the said corporation the said *C.D.* and myself were on the date of the execution of the said instrument empowered to execute on behalf of the corporation all deeds and other instruments requiring the seal of the corporation.

4. That I am well acquainted with the said *C.D.* and saw him execute the attached instrument and I am a subscribing witness thereto.

Sworn, etc.

SECTION 6. The form of the affidavit to be taken by an officer of a corporation when executing an instrument is added to *The Registry Act*.

No. 58

BILL

An Act to amend The Registry Act.

1st Reading

March 4th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 58

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 58 1938

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Registry Amendment Act, 1938.*

Rev. Stat., c. 170, s. 21, subs. 2, amended.

2. Subsection 2 of section 21 of *The Registry Act* is amended by adding at the end thereof the words "and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form," so that the said subsection shall now read as follows:

Pattern.

(2) All registry books shall be as nearly as may be of the like, size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable, and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form.

Rev. Stat., c. 170, s. 59, subs. 1, amended.

3. Subsection 1 of section 59 of *The Registry Act* is amended by striking out the word "but" in the sixth line and inserting in lieu thereof the words "provided that no affidavit of execution shall be required and," so that the said subsection shall now read as follows:

Registration of notice of sale.

Rev. Stat. c. 155.

(1) A notice of sale of land under the provisions of *The Mortgages Act*, and a notice of exercising the power of sale contained in any mortgage and the affidavit or declaration of service thereof may be registered, and the same shall be registered in the same manner as an instrument affecting land, provided that no affidavit of execution shall be required and it shall not be necessary to record the notice or the affidavit or declaration of service attached thereto in the registry book.

Explanatory Notes

Section 2. This amendment provides that with the approval of the Inspector, registry books, other than abstract index books, may be in loose-leaf form.

Section 3. This amendment provides that no affidavit of execution shall be required which is in accordance with the usual practice.

Rev. Stat., c. 170, s. 63, subs. 2, amended.

4.—(1) Subsection 2 of section 63 of *The Registry Act* is amended by adding at the end thereof the words "provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required," so that the said subsection shall now read as follows:

Production and cancellation of duplicate mortgage on registering discharge.

(2) Where a discharge of mortgage is tendered for registration, there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing such discharge, stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor and in such case, the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge; provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required.

Proviso.

Rev. Stat., c. 170, s. 63, subs. 4, amended.

(2) Subsection 4 of the said section 63 is amended by inserting after the word "assignment" in the first line the word "produced," so that the said subsection shall now read as follows:

Stamping discharged mortgage.

(4) The duplicate mortgage and any duplicate assignment produced, before being returned, shall be stamped by the registrar with a perforating stamp bearing the words "*Discharge Registered*" across the signatures of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration.

SECTION 4. (Subsection 1.) This amendment provides that when an assignment of a mortgage includes other property that it will not be necessary to produce the duplicate assignment on registering the discharge.

(Subsection 2.) This amendment harmonizes with the amendment made by subsection 1 of section 4 of the Bill by providing that it will only be necessary to stamp an assignment produced, with the perforating stamp.

No. 58

BILL

An Act to amend The Registry Act.

1st Reading

March 4th, 1938

2nd Reading

March 7th, 1938

3rd Reading

MR. CONANT

(*Reprinted as amended in Committee of the Whole House.*)

No. 58

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 58 1938

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Registry Amendment Act, 1938.*

Rev. Stat., c. 170, s. 21, subs. 2, amended.

2. Subsection 2 of section 21 of *The Registry Act* is amended by adding at the end thereof the words "and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form," so that the said subsection shall now read as follows:

Pattern.

(2) All registry books shall be as nearly as may be of the like, size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable, and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment, provided that no abstract index book shall be in loose-leaf form.

Rev. Stat., c. 170, s. 59, subs. 1, amended.

3. Subsection 1 of section 59 of *The Registry Act* is amended by striking out the word "but" in the sixth line and inserting in lieu thereof the words "provided that no affidavit of execution shall be required and," so that the said subsection shall now read as follows:

Registration of notice of sale.

Rev. Stat. c. 155.

(1) A notice of sale of land under the provisions of *The Mortgages Act*, and a notice of exercising the power of sale contained in any mortgage and the affidavit or declaration of service thereof may be registered, and the same shall be registered in the same manner as an instrument affecting land, provided that no affidavit of execution shall be required and it shall not be necessary to record the notice or the affidavit or declaration of service attached thereto in the registry book.

4.—(1) Subsection 2 of section 63 of *The Registry Act* is amended by adding at the end thereof the words "provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required," so that the said subsection shall now read as follows: Rev. Stat., c. 170, s. 63, subs. 2, amended.

(2) Where a discharge of mortgage is tendered for registration, there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing such discharge, stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor and in such case, the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge; provided that where any such assignment includes a mortgage of other property, production of such assignment shall not be required. Production and cancellation of duplicate mortgage on registering discharge. Proviso.

(2) Subsection 4 of the said section 63 is amended by inserting after the word "assignment" in the first line the word "produced," so that the said subsection shall now read as follows: Rev. Stat., c. 170, s. 63, subs. 4, amended.

(4) The duplicate mortgage and any duplicate assignment produced, before being returned, shall be stamped by the registrar with a perforating stamp bearing the words "*Discharge Registered*" across the signatures of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration. Stamping discharged mortgage.

BILL

An Act to amend The Registry Act.

1st Reading

March 4th, 1938

2nd Reading

March 7th, 1938

3rd Reading

March 28th, 1938

MR. CONANT

1938

No. 59

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Municipal Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 59 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 266, subs. 1, amended.

1. Subsection 1 of section 266 of *The Municipal Act* is amended by inserting after the word "situate" in the third line the words "or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate," so that the said subsection shall now read as follows:

Investigation by county judge of charges of malfeasance.

(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate, or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Rev. Stat., c. 19.

Rev. Stat., c. 266, s. 363, subss. 1-4, 8, repealed.

2. Subsections 1, 2, 3, 4 and 8 of section 363 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 364, re-enacted, s. 365 repealed.

3. Sections 364 and 365 of *The Municipal Act* are repealed and the following substituted therefor:

Explanatory Notes

Section 1. The subsection is extended to include a judge of an adjoining county or district.

Section 2. These subsections do not conform with practise. They are therefore repealed.

Section 3. Self-explanatory.

Constitution of board of commissioners of police.

364.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 10,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Composition of board.

(2) The Board shall consist of,—

(*a*) the head of the council;

(*b*) the judge of the county or district court of the county or district in which the board is constituted, or if there are two or more such judges, such one of them as the council shall by resolution appoint; and

(*c*) such magistrate as the council may by resolution appoint.

Remuneration.

(3) The council may provide for the payment of a reasonable remuneration to the members of the board, or any of them.

Repeal of by-law.

(4) The by-law of a township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat., c. 266, s. 366, subs. 1, amended.

4. Subsection 1 of section 366 of *The Municipal Act* is amended by striking out the words "held after the mayor has made the declarations of office and qualification" in the second and third lines, so that the said subsection shall now read as follows:

Chairman.

(1) The board shall, in each year, at its first meeting elect a chairman.

Rev. Stat., c. 266, s. 382, subs. 1, amended.

5. Subsection 1 of section 382 of *The Municipal Act* is amended by striking out the article "the" where it occurs the second time in the second line and inserting in lieu thereof the article "a."

Magistrates acting as commissioners since June 1st, 1936.

6. Every magistrate who has acted as a member of a board of commissioners of police since the 1st day of June, 1936, shall be deemed to have been lawfully constituted a member of such board.

SECTION 4. Self-explanatory.

SECTION 5. This amendment is made so that the subsection will conform with the present magisterial system of assigning magistrates to districts and not to particular towns.

SECTION 6. This amendment is to assure the right of magistrates to act as members of police commissions until this Act comes into effect.

No. 59

BILL

An Act to amend The Municipal Act.

1st Reading

March 4th, 1938

2nd Reading

3rd Reading

Mr. Conant

1938

No. 59

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

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An Act to amend The Municipal Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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Rev. Stat., c. 266, s. 266, subs. 1, amended.

1. Subsection 1 of section 266 of *The Municipal Act* is amended by inserting after the word "situate" in the third line the words "or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate," so that the said subsection shall now read as follows:

Investigation by county judge of charges of malfeasance.

(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate, or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Rev. Stat., c. 19.

Rev. Stat., c. 266, s. 363, subss. 1-4, 8, repealed.

2. Subsections 1, 2, 3, 4 and 8 of section 363 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 364, re-enacted, s. 365 repealed.

3. Sections 364 and 365 of *The Municipal Act* are repealed and the following substituted therefor:

Explanatory Notes

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Section 2. These subsections do not conform with practise. They are therefore repealed.

Section 3. Self-explanatory.

Constitution of board of commissioners of police.

364.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 10,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Composition of board.

(2) The board shall, except as provided in subsections 3 and 4, consist of,—

(*a*) the head of the council;

(*b*) the judge of the county or district court of the county or district in which the board is constituted, or if there are two or more such judges, such one of them as the Lieutenant-Governor in Council may designate; and

(*c*) such magistrate as the Lieutenant-Governor in Council may designate.

Death illness or absence of the judge.

(3) Where a vacancy occurs on the board by reason of the death of the judge, or where the judge is unable to carry on his duties as a member of the board by reason of his illness or absence, the board may by resolution appoint, or if the board is unable to agree as to such appointment then the council may by resolution appoint any judge of a county or district court to act as a member of the board until the judge first mentioned is able to carry on his duties as a member of the board, or, in the case of his death, until his successor is appointed, or until his successor on the board is designated by the Lieutenant-Governor in Council.

Death, illness or absence of the magistrate.

(4) Where a vacancy occurs on the board by reason of the death of the magistrate, or where the magistrate is unable to carry on his duties as a member of the board by reason of his absence or illness, the board may by resolution appoint, or if the board is unable to agree as to such appointment then the council may by resolution appoint any magistrate to act as a member of the board until the magistrate first mentioned is able to carry on his duties as a member of the board, or until his successor on the board is designated by the Lieutenant-Governor in Council.

Remuneration.

(5) The council may provide for the payment of a reasonable remuneration to the members of the board, or any of them.

Repeal of by-law.

(6) The by-law of a township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat., c. 266, s. 366, subs. 1, amended.

4. Subsection 1 of section 366 of *The Municipal Act* is amended by striking out the words "held after the mayor has made the declarations of office and qualification" in the second and third lines, so that the said subsection shall now read as follows:

Chairman.

(1) The board shall, in each year, at its first meeting elect a chairman.

Rev. Stat., c. 266, s. 382, subs. 1, amended.

5. Subsection 1 of section 382 of *The Municipal Act* is amended by striking out the article "the" where it occurs the second time in the second line and inserting in lieu thereof the article "a."

Magistrates acting as commissioners since June 1st, 1936.

6. Every magistrate who has acted as a member of a board of commissioners of police since the 1st day of June, 1936, shall be deemed to have been lawfully constituted a member of such board.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 4. Self-explanatory.

SECTION 5. This amendment is made so that the subsection will conform with the present magisterial system of assigning magistrates to districts and not to particular towns.

SECTION 6. This amendment is to assure the right of magistrates to act as members of police commissions until this Act comes into effect.

No. 59

BILL

An Act to amend The Municipal Act.

1st Reading

March 4th, 1938

2nd Reading

March 7th, 1938

3rd Reading

MR. CONANT

(*Reprinted with suggested amendments for consideration by Committee of the Whole House.*)

1938

No. 59

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Municipal Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
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No. 59 1938

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An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 266, subs. 1, amended.

1. Subsection 1 of section 266 of *The Municipal Act* is amended by inserting after the word "situate" in the third line the words "or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate," so that the said subsection shall now read as follows:

Investigation by county judge of charges of malfeasance.

(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate, or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Rev. Stat., c. 19.

Rev. Stat., c. 266, s. 363, subss. 1-4, 8, repealed.

2. Subsections 1, 2, 3, 4 and 8 of section 363 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 364, re-enacted, s. 365 repealed.

3. Sections 364 and 365 of *The Municipal Act* are repealed and the following substituted therefor:

Constitution of board of commissioners of police.

364.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 10,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Composition of board.

(2) The board shall, except as provided in subsections 3 and 4, consist of,—

(*a*) the head of the council;

(*b*) the judge of the county or district court of the county or district in which the board is constituted, or if there are two or more such judges, such one of them as the Lieutenant-Governor in Council may designate; and

(*c*) such magistrate as the Lieutenant-Governor in Council may designate.

Death, illness or absence of the judge.

(3) Where a vacancy occurs on the board by reason of the death of the judge, or where the judge is unable to carry on his duties as a member of the board by reason of his illness or absence, the board may by resolution appoint, or if the board is unable to agree as to such appointment then the council may by resolution appoint any judge of a county or district court to act as a member of the board until the judge first mentioned is able to carry on his duties as a member of the board, or, in the case of his death, until his successor is appointed, or until his successor on the board is designated by the Lieutenant-Governor in Council.

Death, illness or absence of the magistrate.

(4) Where a vacancy occurs on the board by reason of the death of the magistrate, or where the magistrate is unable to carry on his duties as a member of the board by reason of his absence or illness, the board may by resolution appoint, or if the board is unable to agree as to such appointment then the council may by resolution appoint any magistrate to act as a member of the board until the magistrate first mentioned is able to carry on his duties as a member of the board, or until his successor on the board is designated by the Lieutenant-Governor in Council.

Remuneration.

(5) The council may provide for the payment of a reasonable remuneration to the members of the board, or any of them.

Repeal of by-law.

(6) The by-law of a township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat., c. 266, s. 366, subs. 1, amended.

4. Subsection 1 of section 366 of *The Municipal Act* is amended by striking out the words "held after the mayor has made the declarations of office and qualification" in the second and third lines, so that the said subsection shall now read as follows:

Chairman.

(1) The board shall, in each year, at its first meeting elect a chairman.

Rev. Stat., c. 266, s. 382, subs. 1, amended.

5. Subsection 1 of section 382 of *The Municipal Act* is amended by striking out the article "the" where it occurs the second time in the second line and inserting in lieu thereof the article "a."

Magistrates acting as commissioners since June 1st, 1936.

6. Every magistrate who has acted as a member of a board of commissioners of police since the 1st day of June, 1936, shall be deemed to have been lawfully constituted a member of such board.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 59

BILL

An Act to amend The Municipal Act.

1st Reading

March 4th, 1938

2nd Reading

March 7th, 1938

3rd Reading

April 4th, 1938

MR. CONANT

1938

No. 60

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 57, amended.

1. Section 57 of *The Municipal Act* is amended by adding thereto the following subsection:

Right of corporations to vote at municipal elections.

(2) A corporation which is assessed upon the last revised assessment roll of the municipality and which, if it had been a male person would have been entitled to have been entered on the voters' list, may in writing under its seal appoint a person as its nominee to vote on its behalf at a municipal election in the municipality, and upon such appointment being filed with the clerk of the municipality not later than the thirtieth day before the date fixed for polling, the said clerk shall issue a certificate (Form 10A), authorizing the returning officer or proper deputy returning officer to enter the name of such nominee on the proper voters' list as the nominee of the corporation, and such nominee, upon delivery and surrender of the certificate to the returning officer or deputy returning officer in charge of the polling place for the division or subdivision mentioned in the certificate, shall have the right to vote at the election, in such division or subdivision, as the nominee and on behalf of the corporation, irrespective of any right which such nominee may have to vote on his own behalf.

Rev. Stat., c. 266, s. 85, cl. *c*, re-enacted.

2. Clause *c* of section 85 of *The Municipal Act* is repealed and the following substituted therefor:

Constables and clerks to attend.

(*c*) The board of commissioners of police or the chief constable shall cause as many constables or clerks as may be necessary to attend at each school-house or public building in which an election is being held, and at each polling place therein, there to perform the duties required by this Act of a constable ap-

Explanatory Notes

Sections 1 and 9. These amendments give corporations the right to vote at municipal elections, and provide the necessary procedure.

Section 2. The amendment authorizes the use of such number of constables as may be necessary at a municipal election, and enables all such constables to vote if otherwise qualified.

pointed by the returning officer, and every such constable or clerk so attending, if an elector, shall have the right to obtain a certificate and to vote as provided in section 111.

Rev. Stat., c. 266, s. 407, par. 3, amended.

3. Paragraph 3 of section 407 of *The Municipal Act* is amended by inserting after the word "all" in the second line the words "hot air," so that the said paragraph shall now read as follows:

Regulation, etc., of heating plants.

3. For regulating, controlling and inspecting the installation of all hot air, hot water and steam heating plants.

Rev. Stat., c. 266, s. 415, par. 1 cl. *a*, amended.

4.—(1) Clause *a* of paragraph 1 of section 415 of *The Municipal Act* is amended by inserting after the word "sale" in the third line the words "or seizure only," so that the said clause shall now read as follows:

"Bailiff,"— meaning of.

(*a*) For the purpose of this paragraph, a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale, or seizure only of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record."

Rev. Stat., c. 266, s. 415, amended.

(2) The said section 415 is further amended by adding thereto the following heading and paragraph:

Pet Shops.

Licensing, regulating and governing pet shops.

2. For licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale.

Rev. Stat., c. 266, s. 420, amended.

5. Section 420 of *The Municipal Act* is amended by adding thereto the following headings and paragraphs:

Persons Installing Heating Equipment.

Licensing, regulating and governing persons installing heating equipment.

18. For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind.

Projections.

Projections.

19. For permitting cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than ten feet above the grade thereof established by the corporation.

SECTION 3. The purvue of the paragraph is extended to include hot air installations.

SECTION 4—(1). This amendment will require bailiffs acting under a warrant for seizure only to come within the by-law.

(2). Self-explanatory.

SECTION 5. Self-explanatory.

Encroachments.

Encroachments re refacing.

20. For permitting existing buildings to encroach beyond the existing wall face of same upon a highway to such extent, not exceeding two inches, as may be necessary to provide for refacing any such building.

Charge for Privilege.

Charge for privilege.

21. For fixing such annual fee or charge as the council may deem reasonable to be paid for any privilege granted under the authority of paragraph 19 or 20, which fee or charge shall be a charge upon the land in connection with which the privilege is granted and shall be payable with and form part of the taxes on such land.

Rev. Stat., c. 266, s. 429, amended.

6. Section 429 of *The Municipal Act* is amended by adding thereto the following clause:

Employees exempted.

(*b*) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

Rev. Stat., c. 266, s. 437, amended.

7. Section 437 of *The Municipal Act* is amended by striking out paragraph 1 and clause *a* and inserting in lieu thereof the following paragraph and clauses:

Electrical workers.

1. For examining, licensing, regulating and governing electricians, master electricians and journeymen electricians.

"Master electrician,"

(*a*) For the purpose of this paragraph "master electrician" shall mean a person skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, and familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who himself, or by journeymen electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

"Journeyman electrician."

Application of by-law.

(*b*) Such by-law shall not apply to the employees of any public service commission or corporation.

SECTION 6. The intention of the paragraph is clarified.

SECTION 7. These amendments conform with the provisions dealing with the plumbing business and will allow proper regulation.

Rev. Stat., c. 266, s. 439, amended.

8. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph and clause:

Certain persons commencing business to pay license fee.

7. For requiring persons not licensed under the provisions of paragraph 5 or 6 who, after the return of the assessment roll, commence to carry on any business in premises in respect to which they are liable for business assessment, to pay a license fee before commencing such business.

Amount thereof.

(*a*) The amount of such license fee shall be a sum computed by reference to the tax on such business assessment which such person would have been required to pay for the current year in respect to the premises in which he has commenced business if he had been previously assessed and made liable for such tax, and shall be either one-half the amount of such tax for the whole year or an appropriate part of same for the balance of the year after he commences business, whichever shall be the greater.

Rev. Stat., c. 266, amended.

9. *The Municipal Act* is amended by adding thereto the following form:

FORM 10A

Municipality of

CERTIFICATE TO ENTER NAME ON VOTERS' LIST

I hereby certify that , a corporation which is assessed upon the last revised assessment roll and which, if it had been a male person, would have been entitled to have been entered on the voters' list, has appointed , of the of , in the county of , as its nominee to vote on its behalf in this election, at the municipal poll to be held on the day of , , 19 , for Polling Subdivision No. in Ward (*or as the case may be*), and this is your authority for entering the name of the said as nominee of the said corporation on the voters' list for said Polling Subdivision as a school supporter, and for permitting the said nominee to vote accordingly.

GIVEN under my hand this day of 19 .

.....
Clerk.

To the Returning Officer and
Deputy Returning Officer,
Polling Subdivision No. of Ward No.

SECTION 8. This amendment is intended to provide a remedy against unfair competition to established businesses and requires persons who are on the assessment roll and who open up temporary stores at Christmas and Easter seasons, etc., to become licensed for such purpose.

No. 60

BILL

An Act to amend The Municipal Act.

1st Reading

March 7th, 1938

2nd Reading

3rd Reading

MR. STRACHAN

1938

No. 61

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The University Act.

MR. LAMPORT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 61 1938

BILL

An Act to amend The University Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The University Amendment Act, 1938.*

Rev. Stat., c. 372, s. 15, subss. 1 and 2 re-enacted.

2. Subsections 1 and 2 of section 15 of *The University Act* are repealed and the following substituted therefor:

Exemption of property from taxation.

(1) The property real and personal vested in the Board shall not be liable to taxation of any kind, and shall be wholly exempt therefrom; provided that the tenant of any land vested in the Board shall be assessed in respect to such land of which he is the tenant in the same way as if such land were owned by any other person, and in addition to the liability of every such tenant to pay the taxes assessed against such land, the interest, if any, of every person in such land shall be subject to the charge thereon given by section 99 of *The Assessment Act* and shall be liable to be sold under *The Assessment Act* for arrears of taxes accrued against such land, but in no case shall the interest of the Board in such land be so subject or liable.

Proviso.

Rev. Stat., c. 272.

Certain persons, etc., not to be deemed tenants.

(2) A member of the teaching staff, or an officer or a servant of the University or of University College, or an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates shall not be deemed to be a tenant within the meaning of this section if the land occupied by any such person, society or association comprises any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen

Explanatory Note

This Bill provides that the property of the University of Toronto leased to tenants shall be assessed in the same manner as Crown land leased to tenants, i.e., in the same way it would be assessed if it were owned by any other person. See section 38 of *The Assessment Act*.

in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the registry division of the City of Toronto.

No. 61

BILL

An Act to amend The University Act.

1st Reading

March 7th, 1938

2nd Reading

3rd Reading

MR. LAMPORT

1938

No. 62

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to regulate Trade-schools.

MR. HUNTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 62 1938

BILL

An Act to regulate Trade-schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trade-schools Regulation Act, 1938*.

Interpretation.

2. In this Act,—

"Minister."

(*a*) "Minister" shall mean Minister of Labour;

"Trade."

(*b*) "Trade" shall mean the skill and knowledge requisite for or intended for use in an industrial or commercial occupation, calling, or vocation, and, without derogating from the generality of the foregoing, shall include the construction, building, repair and operation of aeroplanes, steam-engines, boilers, internal-combustion engines and machinery of all kinds, building construction, the fabrication of iron and steel, aviation, mining, lumbering, dressmaking, millinery, and any other occupation, calling or vocation designated as a trade by the regulations;

"Trade-school."

(*c*) "Trade-school" shall mean any school or place or any course of study by correspondence or otherwise kept or operated by any person wherein or whereby any trade is taught or purported to be taught other than a university recognized by the Department of Education or a school or course of instruction maintained under the provisions of any Act of this Legislature.

Operation of trade-school without registration prohibited.

3. No person shall keep or operate any trade-school unless he is registered pursuant to this Act.

Applications for registration of existing trade-schools.

4. Every person who, at the coming into operation of this Act is the keeper or operator of any trade-school shall, not later than thirty days after this Act comes into force, make application for registration in writing to the Minister in such form and with such particulars as he may prescribe

Explanatory Note

The Bill provides for the licensing, by the Department of Labour, of trade-schools which include courses of study carried on by correspondence, but does not apply to trade-schools carried on by recognized universities or schools maintained under the Statutes of the Province, nor does it apply to trade-schools where the trade in which instruction is given is a designated trade within the provisions of *The Apprenticeship Act*.

in respect of each trade-school kept or operated by the applicant.

Application for registration of future trade-schools.

5. After the coming into force of this Act, every person desirous of commencing the keeping or operating of a trade-school shall make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of the proposed trade-school.

Expiration and renewal of registration.

6. Every registration under this Act shall expire on the 31st day of December of the year in respect of which the registration is effected, and every person who is registered may make application to the Minister for the renewal of his registration in the same manner as is hereinbefore provided in the case of a first registration.

Certificate of registration.

7. Upon the applicant for registration or for renewal of registration, as the case may be, complying with the requirements of the Minister and satisfying him that the trade-school is provided with competent instructors and sufficient equipment for the teaching of any specified trade or trades, and is furnishing or is prepared to furnish proper instruction in such trade or trades, at reasonable rates, the Minister may cause the applicant to be registered as the keeper or operator of a trade-school for the teaching of the specified trade or trades, and may issue a certificate of registration accordingly.

Power to inspect trade-schools.

8. The Minister, or any person authorized by him in writing, may inspect any trade-school at any time during which it is being kept or operated, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets, and other material used for advertising the trade-school and the instruction afforded therein, and any person who obstructs the Minister or authorized person in making any inspection or observation or who refuses or neglects to produce any business book or record upon demand, shall be liable, on summary conviction to a fine of not more than $100, and in default of payment, to imprisonment for a term not exceeding two months.

Cancellation of registration.

9. If, as the result of any inspection of any trade-school, or upon being otherwise credibly informed, the Minister is satisfied that a trade-school in respect of which registration has been made under this Act is insufficiently provided with the means of instruction, or that the charges made for the instruction given are unreasonable, or that any regulation pursuant to the provisions of this Act is not observed therein, he may cancel the registration, and thereupon the registration and the certificate thereof shall be null and void.

Offences and penalties.

10. Every person who,—

(*a*) keeps or operates a trade-school at a time when he is not registered pursuant to this Act as the keeper or operator of that trade-school; or

(*b*) keeps or operates a trade-school for the purpose of giving instruction in a trade not specified in his certificate of registration; or

(*c*) enters into any contract for the furnishing of instruction in a trade other than the contract set out in the application for registration, or a contract which has been approved by the Minister;

shall, in addition to any other liability, be liable, upon summary conviction to a fine of not less than $100, and in default of payment to imprisonment for a term not exceeding six months.

Regulations.

11. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the security to be provided by the keeper or operator of any trade-school for the due performance of his contracts;

(*b*) prescribing the minimum number of hours of instruction in any trade which shall constitute a course of instruction in that trade;

(*c*) prescribing the maximum fees which shall be paid or received for a course of instruction in any trade;

(*d*) prescribing the terms and conditions upon which money paid for or on account of instruction in any trade-school shall be either retained by the payee or be repayable to the payer;

(*e*) prohibiting the use of any advertising relating to any trade-school which may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the keeper or operator of any trade-school;

(*f*) regulating the selling or offering for sale of any course of instruction offered by a trade-school;

(*g*) prescribing the amount that may be asked, charged, or received from the public for any article produced

entirely or in part in any trade-school, or for the material used by or for the services of any employee or student of the trade-school;

(*h*) limiting the number or amount of articles, goods or commodities produced in any trade-school so that it may not compete unfairly with the production of similar articles, goods, or commodities in any factory or shop;

(*i*) fixing the times during which the public may obtain service in any trade-school;

(*j*) designating any calling or vocation as a trade within the meaning of this Act;

(*k*) fixing the fees that shall be payable on applications for registration or renewal of registration under this Act;

(*l*) providing, in the case of any specified trade-school, that no certificate or other document as to the competency of any person shall be issued by that trade-school unless that person has submitted himself to such examination and by such persons as may be prescribed by the regulations, and prescribing fees for such examination and certificate;

(*m*) generally, as to the conduct, operation and management of trade-schools, and the nature of any examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall sit as examiners.

Application of Act. Rev. Stat., c. 192.

12. The provisions of this Act shall not apply to any trade which is a designated trade under *The Apprenticeship Act*.

Appointment of staff.

13. For the purpose of carrying out the provisions of this Act, the Lieutenant-Governor in Council may appoint such officers as may be considered necessary or expedient.

Commencement of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to regulate Trade-schools.

1st Reading

March 7th, 1938

2nd Reading

3rd Reading

Mr. Hunter

No. 63

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Assessment Act.

Mr. Glass

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 63 1938

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 272, s. 40, subs. 5, amended.

1. Subsection 5 of section 40 of *The Assessment Act* is amended by striking out the words "erected or altered" in the third line and inserting in lieu thereof the word "used," so that the said subsection shall now read as follows:

Interpretation.

(5) "Dwelling houses" for the purposes of this section shall not include an apartment or tenement house or a hotel or a building used for the purpose of providing two or more separate suites, or sets of rooms for separate occupation by one or more persons.

EXPLANATORY NOTE

Section 40 of *The Assessment Act* authorizes partial exemption of dwelling houses from taxation. Subsection 5 provides that dwelling houses "shall not include an apartment or tenement house or a hotel or a building **erected or altered** for the purpose of providing two or more separate suites or sets of rooms for separate occupation by one or more persons."

The amendment provides that any building **used** by two or more separate families, whether or not it was erected or altered for such purpose, shall not be entitled to such partial exemption.

BILL

An Act to amend The Assessment Act.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. GLASS

1938

No. 64

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Private Sanitaria Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 64 1938

BILL

An Act to amend The Private Sanitaria Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Private Sanitaria Amendment Act, 1938*.

Rev. Stat., c. 394, amended.

2. *The Private Sanitaria Act* is amended by adding thereto the following section:

Appointment of commissioner to conduct inquiry.

46*a*. The Lieutenant-Governor in Council may appoint any person or persons a commissioner or commissioners to conduct an inquiry into the operation of this Act, the operation, management and affairs, financial or otherwise, of any sanitarium, any matter concerning the committal, treatment or detention of any person to or in any sanitarium, any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return, statement, notice, certificate or other form required to be made or kept by this Act or the regulations, and any other matter relating to the administration of this Act, and such commissioner or commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Explanatory Note

The Bill provides for the appointment of a commissioner or commissioners to inquire into the administration of *The Private Sanitaria Act*, sanitaria coming within the provisions of the Act and matters arising out of the administration of the Act.

BILL

An Act to amend The Private Sanitaria Act.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 64

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Private Sanitaria Act.

Mr. Kirby

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 64 1938

BILL

An Act to amend The Private Sanitaria Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Private Sanitaria Amendment Act, 1938.*

Rev. Stat., c. 394, amended.

2. *The Private Sanitaria Act* is amended by adding thereto the following section:

Appointment of commissioner to conduct inquiry.

46*a*. The Lieutenant-Governor in Council may appoint any person or persons a commissioner or commissioners to conduct an inquiry into the operation of this Act, the operation, management and affairs, financial or otherwise, of any sanitarium, any matter concerning the committal, treatment or detention of any person to or in any sanitarium, any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return, statement, notice, certificate or other form required to be made or kept by this Act or the regulations, and any other matter relating to the administration of this Act, and such commissioner or commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Private Sanitaria Act.

1st Reading

March 8th, 1938

2nd Reading

March 10th, 1938

3rd Reading

March 11th, 1938

MR. KIRBY

1938

No. 65

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 65 1938

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health Amendment Act, 1938.*

Rev. Stat., c. 299, s. 5, amended.

2. Section 5 of *The Public Health Act* is amended by adding thereto the following clauses:

Courses for medical officers.

(*zc*) providing for courses of instruction and prescribing qualifications for medical officers of health, sanitary inspectors and public health nurses;

Upholstered articles.

(*zd*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein.

Rev. Stat., c. 299, s. 34, subs. 1, amended.

3. Subsection 1 of section 34 of *The Public Health Act* is amended by adding at the end thereof the words "and every such appointment shall be subject to the approval of the Minister," so that the said subsection shall now read as follows:

Medical officers of health and sanitary inspectors,— appointment.

(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations, and every such appointment shall be subject to the approval of the Minister.

Rev. Stat., c. 299, s. 37, amended.

4. Section 37 of *The Public Health Act* is amended by adding thereto the following subsections:

Explanatory Notes

Section 2. The amendment provides that the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations covering the following matters:

The instruction and qualification of medical officers of health, sanitary inspectors and public health nurses;

The construction, repair, etc., of upholstered and stuffed articles.

Section 3. The appointment of medical officers of health and sanitary inspectors is made subject to the approval of the Minister.

Section 4. The new subsection 1*a* provides an age limit for medical officers. The new subsection 1*b* provides for the appointment of medical officers residing out of the municipality.

Age of retirement of M.O.H.

(1*a*) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, provided the municipal council with the approval of the Minister may continue in office a medical officer of health from year to year until he has attained the age of seventy-five years.

Appointment out of municipality.

(1*b*) Upon evidence satisfactory to the Minister that there is no person residing in a municipality or in an adjoining municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of such municipality or adjoining municipality.

Rev. Stat., c. 299, s. 42, subs. 2, amended.

5. Subsection 2 of section 42 of *The Public Health Act* is amended by inserting after the word "is" in the first line the words "ill or," by striking out the word "Province" in the second line and inserting in lieu thereof the word "municipality," by striking out the words "may, with the written approval of the Department" in the second and third lines and inserting in lieu thereof the word "shall," by inserting after the word "such" where it occurs the first time in the fifth line the words "illness or," and by inserting after the word "the" where it occurs the first time in the sixth line the words "illness or," so that the said subsection shall now read as follows:

Temporary absence of M.O.H.

(2) When the medical officer of health is ill or absent from the municipality for a protracted period, the council shall appoint a legally qualified medical practitioner to be acting medical officer of health during such illness or absence, and such acting medical officer of health shall have, during the illness or absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health.

Rev. Stat., c. 299, amended.

6. *The Public Health Act* is amended by adding thereto the following section:

Carriers of germs.

60*a*.—(1) The medical officer of health shall take such steps as may be necessary for the public safety with respect to any person within the municipality who in the opinion of the medical officer is a carrier of the germs of any communicable disease, to which this section is by the regulations made applicable.

Examination.

(2) The medical officer of health may require any person within the municipality whom he believes to be such a carrier to submit to such clinical or laboratory

SECTION 5. Provides for the temporary appointment of a substitute medical officer.

SECTION 6. The proposed section 60*a* provides authority for the medical officer of health to take steps to prevent the spread of disease by a person who is a carrier of the germs of a communicable disease.

examination or investigation as may be necessary to determine whether such person is a carrier.

Orders and directions.

(3) The medical officer of health may give such orders or directions to any such carrier as he may deem necessary to prevent the spread of the disease and may direct such person to be isolated in any premises or locality and may prohibit such person from residing in any premises or engaging in any work which in the opinion of the medical officer is likely to cause the spread of the disease, and may do all such acts as are necessary to enforce the carrying out of any such order, direction or prohibition.

Compensation.

(4) Upon evidence satisfactory to the Minister that any person is such a carrier and that such person has been deprived of his means of livelihood by an order or direction of the medical officer of health, the Department may, out of any moneys appropriated by the Legislature for the purposes of the Department, pay to such person compensation, the amount of which shall be determined in the regulations.

Rev. Stat., c. 299, s. 119, amended.

7. Section 119 of *The Public Health Act* is amended by adding thereto the following subsection:

Offence to sell reports.

(5) Every person who sells either publicly or privately any report or information received from the Department relating to any test of water or milk, and every person who charges any fee for any such report or information shall incur a penalty of $100 and in default of payment thereof shall be liable to imprisonment for a period not exceeding three months.

Rev. Stat., c. 299, amended.

8. *The Public Health Act* is amended by adding thereto the following section:

Certificate to be evidence of fact.

122*a*. In any prosecution under this Act or the regulations, production of a certificate or report signed or purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, such certificate or report shall be *prima facie* evidence of the facts stated therein and of the authority of the person giving or making the certificate and report without any proof of appointment or signature.

Rev. Stat., c. 299, Sched. B, amended.

9. Section 1 of the by-law set out in Schedule B to *The Public Health Act* is amended by striking out the words and figures "15th day of November" in the ninth line and inserting in lieu thereof the words and figures "31st day of January,"

SECTION 7. The proposed subsection 5 prohibits the sale of departmental reports.

SECTION 8. Provides for the acceptance as evidence by a court of a certificate of a provincial analyst in regard to milk or water.

SECTION 9. Changes the date of the annual report of the medical officer of health from November 15th to January 31st.

and by adding at the end thereof the words "during the preceding calendar year," so that the said section shall now read as follows:

Duty of M.O.H.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health for Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality during the preceding calendar year.

Rev. Stat., c. 299, Sched. B, amended.

10. Section 12 of the by-law set out in Schedule B to *The Public Health Act* is amended by striking out the words "wholesome drinking water" in the third line and inserting in lieu thereof the words "water for drinking and sanitary purposes," so that the said section shall now read as follows:

Supply of drinking water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of water for drinking and sanitary purposes, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense shall be recoverable in the same manner as municipal taxes.

Rev. Stat., c. 299, Sched. B, amended.

11. Section 33 of the by-law set out in Schedule B to *The Public Health Act* is amended by inserting after the word "for" in the seventh line the words "the affixing or," and by striking out the word "remove" in the ninth line and inserting in lieu thereof the words "affix or remove any," so that the said section shall now read as follows:

Placarding communicable disease and contacts.

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view

SECTION 10. Provides that the owner of a house shall supply water for sanitary as well as drinking purposes.

SECTION 11. Makes it an offence to affix a communicable disease placard to a house without the permission of the medical officer of health.

of the public, a card at least twelve inches wide and nine inches long, stating that such premises are under quarantine on account of such disease and the penalty for affixing or removal of such card without the permission of the medical officer of health, and no person shall affix or remove any such card without his permission.

BILL

An Act to amend The Public Health Act.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 65

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
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No. 65 1938

BILL

An Act to amend The Public Health Act.

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Short title.

1. This Act may be cited as *The Public Health Amendment Act, 1938.*

Rev. Stat., c. 299, s. 5, amended.

2. Section 5 of *The Public Health Act* is amended by adding thereto the following clauses:

Courses for medical officers.

(*zc*) providing for courses of instruction and prescribing qualifications for medical officers of health, sanitary inspectors and public health nurses;

Upholstered articles.

(*zd*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein.

Rev. Stat., c. 299, s. 34, subs. 1, amended.

3. Subsection 1 of section 34 of *The Public Health Act* is amended by adding at the end thereof the words "and every such appointment shall be subject to the approval of the Minister," so that the said subsection shall now read as follows:

Medical officers of health and sanitary inspectors,— appointment.

(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations, and every such appointment shall be subject to the approval of the Minister.

Rev. Stat., c. 299, s. 37, amended.

4. Section 37 of *The Public Health Act* is amended by adding thereto the following subsections:

(1*a*) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, provided the municipal council with the approval of the Minister may continue in office a medical officer of health from year to year until he has attained the age of seventy-five years. Age of retirement of M.O.H.

(1*b*) Upon evidence satisfactory to the Minister that there is no person residing in a municipality or in an adjoining municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of such municipality or adjoining municipality. Appointment out of municipality.

5. Subsection 2 of section 42 of *The Public Health Act* is amended by inserting after the word "is" in the first line the words "ill or," by striking out the word "Province" in the second line and inserting in lieu thereof the word "municipality," by striking out the words "may, with the written approval of the Department" in the second and third lines and inserting in lieu thereof the word "shall," by inserting after the word "such" where it occurs the first time in the fifth line the words "illness or," and by inserting after the word "the" where it occurs the first time in the sixth line the words "illness or," so that the said subsection shall now read as follows: Rev. Stat., c. 299, s. 42, subs. 2, amended.

(2) When the medical officer of health is ill or absent from the municipality for a protracted period, the council shall appoint a legally qualified medical practitioner to be acting medical officer of health during such illness or absence, and such acting medical officer of health shall have, during the illness or absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health. Temporary absence of M.O.H.

6. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat., c. 299, amended.

60*a*.—(1) The medical officer of health shall take such steps as may be necessary for the public safety with respect to any person within the municipality who in the opinion of the medical officer is a carrier of the germs of any communicable disease, to which this section is by the regulations made applicable. Carriers of germs.

(2) The medical officer of health may require any person within the municipality whom he believes to be such a carrier to submit to such clinical or laboratory Examination.

examination or investigation as may be necessary to determine whether such person is a carrier.

Orders and directions.

(3) The medical officer of health may give such orders or directions to any such carrier as he may deem necessary to prevent the spread of the disease and may direct such person to be isolated in any premises or locality and may prohibit such person from residing in any premises or engaging in any work which in the opinion of the medical officer is likely to cause the spread of the disease, and may do all such acts as are necessary to enforce the carrying out of any such order, direction or prohibition.

Compensation.

(4) Upon evidence satisfactory to the Minister that any person is such a carrier and that such person has been deprived of his means of livelihood by an order or direction of the medical officer of health, the Department may, out of any moneys appropriated by the Legislature for the purposes of the Department, pay to such person compensation, the amount of which shall be determined in the regulations.

Rev. Stat., c. 299, s. 119, amended.

7. Section 119 of *The Public Health Act* is amended by adding thereto the following subsection:

Offence to sell reports.

(5) Every person who sells either publicly or privately any report or information received from the Department relating to any test of water or milk, and every person who charges any fee for any such report or information shall incur a penalty of $100 and in default of payment thereof shall be liable to imprisonment for a period not exceeding three months.

Rev. Stat., c. 299, amended.

8. *The Public Health Act* is amended by adding thereto the following section:

Certificate to be evidence of fact.

122*a*. In any prosecution under this Act or the regulations, production of a certificate or report signed or purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, such certificate or report shall be *prima facie* evidence of the facts stated therein and of the authority of the person giving or making the certificate and report without any proof of appointment or signature.

Rev. Stat., c. 299, Sched. B, amended.

9. Section 1 of the by-law set out in Schedule B to *The Public Health Act* is amended by striking out the words and figures "15th day of November" in the ninth line and inserting in lieu thereof the words and figures "31st day of January,"

and by adding at the end thereof the words "during the preceding calendar year," so that the said section shall now read as follows:

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health for Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality during the preceding calendar year. Duty of M.O.H.

10. Section 12 of the by-law set out in Schedule B to *The Public Health Act* is amended by striking out the words "wholesome drinking water" in the third line and inserting in lieu thereof the words "water for drinking and sanitary purposes," so that the said section shall now read as follows: Rev. Stat., c. 299, Sched. B, amended.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of water for drinking and sanitary purposes, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense shall be recoverable in the same manner as municipal taxes. Supply of drinking water.

11. Section 33 of the by-law set out in Schedule B to *The Public Health Act* is amended by inserting after the word "for" in the seventh line the words "the affixing or," and by striking out the word "remove" in the ninth line and inserting in lieu thereof the words "affix or remove any," so that the said section shall now read as follows: Rev. Stat., c. 299, Sched. B, amended.

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view Placarding communicable disease and contacts.

of the public, a card at least twelve inches wide and nine inches long, stating that such premises are under quarantine on account of such disease and the penalty for the affixing or removal of such card without the permission of the medical officer of health, and no person shall affix or remove any such card without his permission.

No. 65

BILL

An Act to amend The Public Health Act.

1st Reading

March 8th, 1938

2nd Reading

March 14th, 1938

3rd Reading

March 22nd, 1938

MR. KIRBY

1938

No. 66

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act for the Investigation of Remedies for Cancer.

Mr. Kirby

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 66 1938

BILL

An Act for the Investigation of Remedies for Cancer.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cancer Remedy Act, 1938*.

Interpretation.

2. In this Act,—

"Commission."

(*a*) "Commission" shall mean The Commission for the Investigation of Cancer Remedies appointed under the provisions of this Act;

"Minister."

(*b*) "Minister" shall mean Minister of Health.

Commission,—appointment of.

3.—(1) The Lieutenant-Governor in Council may appoint a commission to be known as "The Commission for the Investigation of Cancer Remedies" which shall be a body corporate and the member or members of the Commission shall hold office during the pleasure of the Lieutenant-Governor in Council.

Chairman; quorum.

(2) Where there is more than one member of the Commission,—

(*a*) the Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman;

(*b*) a majority of the members of the Commission shall constitute a quorum and a majority vote of the members present at any meeting of the Commission shall determine any question.

Objects of Commission.

4.—(1) The objects of the Commission shall be to investigate, approve, disapprove, encourage or report upon any substance or method of treatment which is believed to be, or likely to be, or is advertised, held out to be or used as a remedy for cancer, and the Commission may take such measures as it deems necessary to accomplish such objects.

Explanatory Notes

The purpose of the Bill is to provide for the regulation of cancer remedies by the appointment of a commission which is given power to investigate remedies. Provision is made for publication of the commission's findings.

Section 2. "Commission" and "Minister" as used in the Act are defined.

Section 3. Provision is made for the appointment of a commission by the Lieutenant-Governor in Council.

Section 4. Subsection 1 sets out the objects of the commission and vests it with a general power to accomplish its objects.

Disbursement of moneys.

(2) The funds of the Commission shall consist of any moneys received by it from any sources, including any moneys appropriated for its use by the Parliament of Canada, the Legislature of Ontario or the King George V Silver Jubilee Cancer Fund, and the Commission may disburse, expend or otherwise deal with any of the funds of the Commission as it deems proper.

Commission may enter into agreements.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Commission may enter into agreements with any university, medical association, hospital or other association, corporation or person for the purpose of carrying out the objects of the Commission.

Officers, clerks and servants.

(4) The Commission may employ officers, clerks and servants and may engage the services of experts and other persons and may pay any such officer, clerk, servant, expert or other person such remuneration as it deems proper out of the funds of the Commission.

Remuneration of members of Commission.

(5) The members of the Commission shall be paid such remuneration out of the funds of the Commission as the Lieutenant-Governor in Council may determine.

Commission to furnish financial statement.

5. The Minister may require the Commission to furnish him with a financial statement showing all moneys received and disbursed by the Commission and may require the Provincial Auditor or any other qualified auditor to conduct an audit of the funds of the Commission and the cost of such audit shall be paid out of the funds of the Commission.

Submission of samples of treatment.

6.—(1) The Commission may require any person who advertises, offers for sale, holds out, distributes, sells or administers either free of charge or for gain, hire or hope of reward, any substance or method of treatment as a remedy for cancer to submit samples of such substance or a description of such treatment and samples of any substance used with such treatment to the Commission together with the formula of such substance and such other information pertaining to such substance or method of treatment as the Commission may determine.

Information not to be divulged.

(2) The Commission shall not divulge any information relating to the composition or formula of any substance received by it.

Investigation of treatment.

7. Where any substance or method of treatment is submitted to the Commission under the provisions of section 6, the Commission shall cause such substance or method of treatment to be investigated, and upon the conclusion of such investigation, shall make a determination or finding as

(2) Subsection 2 indicates what moneys shall comprise the funds of the commission and authorizes the commission to deal with its funds.

(3) Subsection 3 gives the commission power to enter into agreements in order to carry out its objects.

(4) Subsection 4 permits the commission to employ officers, clerks and servants and to engage experts and other persons who may be paid remuneration out of the funds of the commission.

(5) Subsection 5 provides for the payment to the members of the commission out of its funds of such remuneration as the Lieutenant-Governor in Council may determine. The Minister may require the commission to furnish him with financial statements of its affairs and may require the funds of the commission to be audited.

SECTION 6. Authorizes the commission to require samples and particulars of cancer remedies and prohibits the commission from divulging information obtained.

SECTION 7. The commission is required to cause any remedy submitted to it to be investigated and to make a determination or finding as to the value or merit of the remedy.

to the merit or value as a remedy for cancer of such substance or method of treatment; provided that the Commission may at any time before concluding its investigation make such determination or finding of a temporary nature as it deems proper, and every determination or finding of the Commission shall be recorded in the minutes of the Commission.

Reports.

8. The Commission shall make a report of any determination or finding relating to any substance or method of treatment to,—

(*a*) the Minister; and

(*b*) the person who has submitted such substance or method to the Commission for investigation;

and the Minister may publish such report in such manner as he may deem proper.

Action against Commission.

9. No action in libel or slander or otherwise shall lie or be instituted against the Minister, the Commission, any member of the Commission or any officer, clerk or servant employed by the Commission or any expert or other person engaged by the Commission whether in the public or private capacity of such Minister, member, officer, clerk, servant, expert or other person in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act.

Penalties.

10.—(1) Every person who violates any of the provisions of this Act or who fails or neglects to obey any order, direction or requirement of the Commission shall be guilty of an offence and for a first offence shall be liable to a penalty of not less than $100 and not exceeding $500, and in default of payment of any such penalty, to imprisonment for a period not exceeding thirty days, and for a second or subsequent offence shall be liable to a penalty of not less than $500 and not exceeding $2,500, and in default of payment of any such penalty, to imprisonment for a period not exceeding six months.

Recovery of penalties. Rev. Stat., c. 136.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*.

SECTION 8. The commission is required to report its determination or finding to the Minister and the person submitting the remedy and the Minister is authorized to publish the report.

SECTION 9. The Minister, commission, members, officers, clerks and servants of the commission and experts and other persons engaged by the commission are protected against actions brought in respect of any act or omission in connection with the administration of the Act.

SECTION 10. Penalties which may be recovered under *The Summary Convictions Act* are provided for violations of the Act and failure to obey an order, direction or requirement of the commission.

No. 66

BILL

An Act for the Investigation of Remedies for Cancer.

1st Reading

March 8th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 66

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act for the Investigation of Remedies for Cancer.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 66 1938

BILL

An Act for the Investigation of Remedies for Cancer.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cancer Remedy Act, 1938.*

Interpretation.

2. In this Act,—

"Commission."

(*a*) "Commission" shall mean The Commission for the Investigation of Cancer Remedies appointed under the provisions of this Act;

"Minister."

(*b*) "Minister" shall mean Minister of Health.

Commission,—appointment of.

3.—(1) The Lieutenant-Governor in Council may appoint a commission to be known as "The Commission for the Investigation of Cancer Remedies" which shall be a body corporate and the member or members of the Commission shall hold office during the pleasure of the Lieutenant-Governor in Council.

Chairman; quorum.

(2) Where there is more than one member of the Commission,—

(*a*) the Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman;

(*b*) a majority of the members of the Commission shall constitute a quorum and a majority vote of the members present at any meeting of the Commission shall determine any question.

Objects of Commission.

4.—(1) The objects of the Commission shall be to investigate, approve, disapprove, encourage or report upon any substance or method of treatment which is believed to be, or likely to be, or is advertised, held out to be or used as a remedy for cancer, and the Commission may take such measures as it deems necessary to accomplish such objects.

(2) The funds of the Commission shall consist of any moneys received by it from any sources, including any moneys appropriated for its use by the Parliament of Canada, the Legislature of Ontario or the King George V Silver Jubilee Cancer Fund, and the Commission may disburse, expend or otherwise deal with any of the funds of the Commission as it deems proper. Disbursement of moneys.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Commission may enter into agreements with any university, medical association, hospital or other association, corporation or person for the purpose of carrying out the objects of the Commission. Commission may enter into agreements.

(4) The Commission may employ officers, clerks and servants and may engage the services of experts and other persons and may pay any such officer, clerk, servant, expert or other person such remuneration as it deems proper out of the funds of the Commission. Officers, clerks and servants.

(5) The members of the Commission shall be paid such remuneration out of the funds of the Commission as the Lieutenant-Governor in Council may determine. Remuneration of members of Commission.

5. The Minister may require the Commission to furnish him with a financial statement showing all moneys received and disbursed by the Commission and may require the Provincial Auditor or any other qualified auditor to conduct an audit of the funds of the Commission and the cost of such audit shall be paid out of the funds of the Commission. Commission to furnish financial statement.

6.—(1) The Commission may require any person who advertises, offers for sale, holds out, distributes, sells or administers either free of charge or for gain, hire or hope of reward, any substance or method of treatment as a remedy for cancer to submit samples of such substance or a description of such treatment and samples of any substance used with such treatment to the Commission together with the formula of such substance and such other information pertaining to such substance or method of treatment as the Commission may determine. Submission of samples of treatment.

(2) The Commission shall not divulge any information relating to the composition or formula of any substance received by it. Information not to be divulged.

7. Where any substance or method of treatment is submitted to the Commission under the provisions of section 6, the Commission shall cause such substance or method of treatment to be investigated, and upon the conclusion of such investigation, shall make a determination or finding as Investigation of treatment.

to the merit or value as a remedy for cancer of such substance or method of treatment; provided that the Commission may at any time before concluding its investigation make such determination or finding of a temporary nature as it deems proper, and every determination or finding of the Commission shall be recorded in the minutes of the Commission.

Reports.

8. The Commission shall make a report of any determination or finding relating to any substance or method of treatment to,—

(*a*) the Minister; and

(*b*) the person who has submitted such substance or method to the Commission for investigation;

and the Minister may publish such report in such manner as he may deem proper.

Action against Commission.

9. No action in libel or slander or otherwise shall lie or be instituted against the Minister, the Commission, any member of the Commission or any officer, clerk or servant employed by the Commission or any expert or other person engaged by the Commission whether in the public or private capacity of such Minister, member, officer, clerk, servant, expert or other person in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act.

Penalties.

10.—(1) Every person who violates any of the provisions of this Act or who fails or neglects to obey any order, direction or requirement of the Commission shall be guilty of an offence and for a first offence shall be liable to a penalty of not less than $100 and not exceeding $500, and in default of payment of any such penalty, to imprisonment for a period not exceeding thirty days, and for a second or subsequent offence shall be liable to a penalty of not less than $500 and not exceeding $2,500, and in default of payment of any such penalty, to imprisonment for a period not exceeding six months.

Recovery of penalties. Rev. Stat., c. 136.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act.*

No. 66

BILL

An Act for the Investigation of Remedies for Cancer.

1st Reading

March 8th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 7th, 1938

MR. KIRBY

1938

No. 67

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 67 1938

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Windsor (Funding and Refunding Plan) Act, 1938.*

Funding and refunding plan confirmed.

2. The plan for funding and refunding the debts of the amalgamated municipalities of East Windsor, Walkerville, Windsor and Sandwich set out as Schedule A hereto is hereby ratified and confirmed, and declared to be legal, valid and binding, and is hereby constituted part of this Act.

Previous acts confirmed.

3. All orders, acts, matters and things heretofore made, performed or done pursuant to or for the purpose of carrying out the provisions of the said plan are hereby validated and confirmed.

By-law No. 113 and debentures validated.

4. By-law number 113 passed by the council of the corporation of the City of Windsor on the 25th day of June, 1937, set out as Schedule B hereto, and all debentures issued or to be issued thereunder, are hereby declared to be legal, valid and binding.

Municipal Board order of April 14th, 1937, validated.

5. The order of the Ontario Municipal Board dated the 14th day of April, 1937, and set out as Schedule C hereto, is hereby declared to be legal, valid and binding.

Municipal Board order of Dec. 15th, 1937, validated.

6. The order of the Ontario Municipal Board, dated the 15th day of December, 1937, and set out as Schedule D hereto, is hereby declared to be legal, valid and binding.

Construction with other Acts.

7. This Act shall be and be deemed to be in addition to and not in derogation of any right, power or authority conferred by any other Act, but where the provisions of any

general or special Act conflict with the provisions of this Act the latter shall prevail.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE A

ARTICLE I

Object and Scope of Plan

SECTION 1. The object of this Plan is to provide for the funding and refunding of the debts of the Amalgamated Municipalities. Immediately prior to their dissolution the debts of these Municipalities (including arrears of interest accrued to December 31st, 1935, and subject to certain minor adjustments) amounted in the aggregate to $40,432,906.94, (exclusive of $209,767.20 referred to in Article III, Section 1 (a)), part of which was secured by debentures. Of that aggregate indebtedness there had been incurred for all purposes except public and separate school purposes debts to the amount of $30,449,974.87 and for public school purposes debts to the amount of $4,180,562.32 and the accrued interest thereon amounted to $5,802,369.76. These debts (exclusive of interest) were distributed as follows:

Municipality	General Purposes	School Purposes
East Windsor	$ 5,726,881.67	$ 892,216.86
Walkerville	4,146,743.85	346,198.43
Windsor	16,692,040.81	2,417,605.58
Sandwich	3,884,308.54	524,541.45

SECTION 2. It is proposed to fund and refund the principal of the aforesaid debts of the Amalgamated Municipalities amounting to $34,630,537.19 by creating debentures of the New City to the same principal amount and by issuing such debentures to or for the creditors of the Amalgamated Municipalities in discharge of all liability to them for such principal. It is proposed to discharge all liability for the accrued interest amounting to $5,802,369.76 by distributing among the creditors cash in the amount of $2,508,866.76 on the basis set out in Article VI hereof. Apart from arrangements herein set forth for liquidating certain of the current indebtedness of The Canadian Bank of Commerce it is not proposed in this Plan to differentiate between debts formerly secured by debentures and debts not so secured, nor is it proposed to differentiate between any classes of creditors as to principal, the intention being that every creditor shall receive debentures of the New City in the same principal amount as the principal amount of the debt owing to him by the Amalgamated Municipality. It is, however, proposed to differentiate between classes of creditors as to interest, the intention being that creditors of each of the Amalgamated Municipalities shall receive a rate of interest different from that received by the creditors of each of the other Amalgamated Municipalities and that Income Interest shall be varied according to the rates formerly payable on the debt. In this respect the Plan recognizes differences in the capacity of the several Municipalities to meet interest obligations. It will therefore be necessary to issue the debentures of the New City in several series so as to distinguish (a) the debts incurred by each of the Amalgamated Municipalities, (b) the debts incurred for public school purposes, and (c) the debts incurred at interest rates greater or less than a certain percentage. The Plan embodies the principal that a minimum fixed rate of interest (referred to in the Plan as "the mandatory rate" or "mandatory interest") shall be paid on the debentures of each series and that if the combined operating expenditure of the New City and of the Board of Education for Public School purposes exceeds in any year $2,900,000, an amount equivalent to 125% of such excess shall be paid into special funds and shall be applied in payment of additional interest (referred to in this Plan as "income interest") and in the purchase and redemption of debentures. The income interest payments should therefore assist in equalizing the mandatory rates as between the several Municipalities. The Plan also embodies the principle that surplus revenue of the City not required to meet operating expenditure, mandatory interest and income interest or payments to the Special Fund shall be paid to a Sinking Fund to be applied in the purchase and redemption of debentures.

SECTION 3. In order to give effect to the aforesaid differentiations in mandatory interest and income interest it is proposed to issue the debentures of the New City in several series, of which the designating letters shall be as follows: AX, AY, B, CX, CY, DX, DY, AAX, AAY, BB, CCX, CCY, and DDY. Debentures of Series AX, AY, AAX and AAY will be issued to fund and refund the debts of East Windsor, those designated AX and AY being applicable to debts contracted for general purposes as set out in Section 1 of this Article, and those designated AAX and AAY being applicable to the debts contracted for school purposes as set out in said Section 1. Similarly, the debentures of the series bearing the designating letters B or BB will be issued to fund and refund the debts of

Walkerville, the series bearing the designating letters CX, CY, CCX or CCY the debts of Windsor, and the series bearing the designating letters DX, DY or DDY the debts of Sandwich. The letter X or the letter Y in the designating letters of a series will indicate whether the debt to be refunded by such series carried interest at a rate not exceeding 5.49% or at a rate exceeding 5.49%, as the case may be. The amount of income interest payable on a debenture depends partly on this differentiation.

ARTICLE II

Interpretations

In this Plan the following words, phrases and expressions shall, wherever used, if the context permits, have the following meanings:

1. "This Plan," "the Plan," "hereby," "herein," "hereto" and "hereunder" mean and refer to the Plan herein set out for funding and refunding the debts of the Amalgamated Municipalities and the Schedules thereto.

2. "Amalgamated Municipalities" means East Windsor, Walkerville, Windsor and Sandwich severally.

3. (a) "East Windsor" means the Municipality and Corporation of the City of East Windsor as existing prior to the date of its dissolution.

(b) "Walkerville" means the Municipality and Corporation of the Town of Walkerville as existing prior to the date of its dissolution.

(c) "Windsor" means the Municipality and Corporation of the City of Windsor as existing prior to the date of its dissolution.

(d) "Sandwich" means the Municipality and Corporation of the Town of Sandwich as existing prior to the date of its dissolution.

4. "The City" or "the New City" means the Municipality and Corporation of the City of Windsor incorporated under the provisions of The City of Windsor (Amalgamation) Act, 1935.

5. "New Debentures" means the debentures of the City created and issued pursuant to this Plan.

6. "General Debentures" means the New Debentures issued by the City for the purpose of funding and refunding debts incurred by the Amalgamated Municipalities for all purposes except public and separate school purposes but including debts incurred for public school purposes to the extent of $91,811.19 under By-laws Nos. 1315, 2463 and 1738 of Windsor and the debt of $229,618.10 referred to in Part 14 of the Second Schedule hereto.

7. "School Debentures" means the New Debentures issued by the City for the purpose of funding and refunding debts incurred by the Amalgamated Municipalities for public school purposes except to the extent of $321,429.29 as set out in Clause 6 above.

8. "Mandatory Interest" means interest payable on the New Debentures at fixed rates per cent. per annum half-yearly as provided in this Plan.

9. "Income Interest" means interest payable on the New Debentures as provided in Article IV hereof and computed in the manner provided in Article V hereof.

10. "Arrears of Interest" means the amount payable as set out in Article VI hereof to creditors of the Amalgamated Municipalities for and in full settlement of interest accrued due on their debts and owing and unpaid as of December 31st, 1935, but not including the amount due on unpresented coupons as herein defined.

11. "Interest Arrears Warrant" means the coupons attached to New Debentures of Series DX, DY and DDY representing the right of the holder thereof to receive, if and when paid, Arrears of Interest as set out in Section 3 of Article VI hereof.

12. "Unpresented Coupons" means the interest and the coupons therefore on the debentures of the Amalgamated Municipalities which accrued due prior to default in

payment of interest on such debentures and were not presented for payment when due and a list of which is set out in the Third Schedule hereto.

13. "Fiscal Agent" means Chester W. McDiarmid, Fiscal Agent of the City, and his successor duly appointed from time to time by the Board.

14. "Board" means the Ontario Municipal Board and its successor from time to time.

15. "Trustees" means the Board of Trustees from time to time as established under Article VIII hereof.

16. "Board of Education" means the Board of Education of the City and any successor and successors exercising the same authority as vested in the said Board of Education on the 1st day of June, 1936.

17. "Local Board" means and includes any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Park Management, Local Board of Health, Board of Police Commissioners and any other board commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes including school purposes of the City or the Amalgamated Municipalities, but shall not, in any case, include a Separate School Board.

18. "Department" means the Department of Municipal Affairs of the Province of Ontario or any other Governmental or Departmental authority exercising the same or similar jurisdiction over Ontario municipalities as is now exercised by the said Department of Municipal Affairs.

19. "Arrears of Taxes for 1932 and prior years" means and includes all moneys received by the City after December 31st, 1935, and prior to January 1st, 1947, from or in respect of—

(a) Taxes levied by Windsor in any year down to the year 1932 and including any amounts paid for the redemption of properties against which tax arrears certificates have been registered or which have been offered for sale at tax sales; and

(b) The sale of properties in respect of which taxes are in arrears; and

(c) Surplus revenue from rental of properties in the possession of the City either by reason of the registration of tax arrears certificates or otherwise by reason of the non-payment of taxes;

Provided that as to the foregoing clauses (b) and (c) such definition shall mean an amount of moneys bearing the same proportion to the moneys so received in respect of each such property as all taxes in arrears at the end of the year 1932 bear to the aggregate amount of all taxes in arrear in respect of any such property; And provided further that nothing in this definition contained shall preclude the application of any surplus revenue from rentals to diminish the amount payable for redemption of any property.

20. "Transfer Agent" means The Guaranty Trust Company of Canada and its successor duly appointed from time to time by the Board.

21. Words importing the singular number shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender, and words importing a person or persons shall include any body corporate or politic (including a municipal corporation) and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

ARTICLE III

Form, Execution and Issue of New Debentures

SECTION 1. The City shall forthwith create and issue for the purpose of giving effect to this Plan, New Debentures in the aggregate principal amount of $34,630,537.19, of which $30,449,974.87 in principal amount shall be "General Debentures" and designated as "City of Windsor General Refunding Debentures," and $4,180,562.32 in

principal amount shall be School Debentures and designated as "City of Windsor Public School Refunding Debentures."

SECTION 1 (a). The City shall forthwith pass a by-law authorizing the creation and issue of New Debentures of Series CY in a principal amount not exceeding $209,767.20 (in addition to the New Debentures of that Series referred to in Section 2 of this Article III) for the purpose of providing for the liability of Windsor in respect of that amount of the debenture and other debt of The Windsor, Essex and Lake Shore Electric Railway Association set out as Item 2 in column numbered 1 of Part 21 of the Second Schedule hereto and such by-law shall not be revoked or altered except in pursuance of an Order of the Board. New Debentures authorized by the said by-law shall be issued to the Transfer Agent at such time and in such amount and shall be dealt with and delivered as the Board may order but no Debentures shall be issued under the said by-law nor shall the City be required to levy any taxes for payment of the principal thereof or interest thereon except pursuant to order of the Board.

SECTION 2. The General Debentures shall be issued in several series, to be designated as AX, AY, B, CX, CY, DX and DY, and the School Debentures shall be issued in several series, to be designated as AAX, AAY, BB, CCX, CCY and DDY. The General Debentures of the said several series shall be issued in the following principal amounts:

Series AX in the principal amount of	$ 3,459,481.92
Series AY in the principal amount of	2,267,399.75
Series B in the principal amount of	4,146,743.85
Series CX in the principal amount of	11,627,107.79
Series CY in the principal amount of	5,064,933.02x
Series DX in the principal amount of	1,107,144.46
Series DY in the principal amount of	2,777,164.08

x—Subject to increase by Order of the Board under the provisions of Section 1 (a) of this Article III by an amount not exceeding $209,767.20.

The School Debentures of the said several series shall be issued in the following principal amounts:

Series AAX in the principal amount of	$ 428,312.97
Series AAY in the principal amount of	463,903.89
Series BB in the principal amount of	346,198.43
Series CCX in the principal amount of	1,085,916.28
Series CCY in the principal amount of	1,331,689.30
Series DDY in the principal amount of	524,541.45

SECTION 3. The New Debentures shall be dated as of the First day of January, 1936, and shall mature on the Thirty-first day of December, 1975. The New Debentures of the said several series shall bear Mandatory Interest at the following rates per annum:

Series AX at the rate of two per cent (2%)
Series AY at the rate of two per cent (2%)
Series B at the rate of four per cent (4%)
Series CX at the rate of three and one-quarter per cent (3¼%)
Series CY at the rate of three and one-quarter per cent (3¼%)
Series DX at the rate of one and one-half per cent (1½%)
Series DY at the rate of one and one-half per cent (1½%)
Series AAX at the rate of two per cent (2%)
Series AAY at the rate of two per cent (2%)
Series BB at the rate of four per cent (4%)
Series CCX at the rate of three and one-quarter per cent (3¼%)
Series CCY at the rate of three and one-quarter per cent (3¼%)
Series DDY at the rate of one and one-half per cent (1½%)

The New Debentures of the said several series shall also bear Income Interest, if and when payable, pursuant to the provisions of Articles IV and V of this Plan, computed in the manner set out in the said Article V of this Plan. The principal of the New Debentures and the Mandatory Interest and Income Interest thereon shall be payable at the Windsor (Ontario) Branch of The Canadian Bank of Commerce in lawful money of the Dominion of Canada, as to principal on the 31st day of December, 1975, and as to Mandatory Interest half-yearly on the 30th day of June and the 31st day of December in each year, the first of such Mandatory Interest payments to be payable as of the 30th

day of June, 1936, and as to Income Interest, if and when payable, on the 30th day of June in each year. The City or the Trustees shall have the right at their option to redeem, either in whole or in part, before maturity the New Debentures on June 30th in any year, at the principal amount thereof together with interest accrued to the date of redemption. If less than all the New Debentures are to be redeemed at any time the New Debentures to be redeemed shall be selected by the Trustees in such manner as they may in their discretion decide. All New Debentures so redeemed as aforesaid shall be forthwith cancelled and shall not be re-issued. Notice of the redemption of any or all of the New Debentures shall be given by the City in form approved by the Trustees by the insertion once at least thirty (30) days before the redemption date thereof of a notice of such redemption in a newspaper of general circulation in the City of Windsor and a newspaper of general circulation in the City of Toronto. After the funds necessary to provide for the redemption of such New Debentures have been set apart at the place and in the manner described in such notice, no holder of a NewDebenture so to be redeemed shall be entitled to receive any moneys in respect thereof except the amount so set apart for redemption of such New Debenture.

SECTION 4. The General Debentures of all series and the coupons appertaining thereto shall be in substantially the form set out in the first Schedule hereto. General Debentures of Series DX and Series DY shall carry an Interest Arrears Warrant in substantially the form set out in the said Schedule. The General Debentures of all other series shall carry an Arrears of Interest Coupon in substantially the form set out in the said Schedule. The School Debentures of all series shall be in the same form as the General Debentures of the corresponding series, save that the words "Public School" shall be substituted for the word "General" wherever it occurs thereon.

SECTION 5. Each and every General Debenture shall constitute an obligation of the City and of the ratepayers thereof from time to time, and each and every School Debenture shall constitute an obligation of the City and of the ratepayers thereof from time to time assessed as public school supporters. Each and every New Debenture shall rank pari passu and shall be secured equally and rateably with each and every other New Debenture of any series.

SECTION 6. All New Debentures shall be sealed with the Seal of the City and shall be signed by the Mayor and the Treasurer of the City, whose signatures may be engraved, lithographed or otherwise mechanically reproduced thereon, and such engraved, lithographed or otherwise mechanically reproduced signatures shall be deemed for all purposes the signatures of the Mayor and Treasurer and shall be binding on the City. The coupons for arrears of interest and the Interest Arrears Warrants appertaining to the New Debentures shall be signed by the Fiscal Agent and all other interest coupons appertaining to the New Debentures shall be signed by the Treasurer of the City and the signatures of the Fiscal Agent and of the Treasurer of the City on such coupons and warrants may be engraved, lithographed or otherwise mechanically reproduced thereon, and such engraved, lithographed or otherwise mechanically reproduced signatures shall be deemed for all purposes the signatures of the Fiscal Agent or of the Treasurer of the City, as the case may be, and shall be binding on the City.

SECTION 7. The City shall forthwith cause the New Debentures in the aggregate principal amount of $34,630,537.19 and in such denominations and broken amounts as may be designated by the Fiscal Agent to be issued and executed as aforesaid and to be delivered to the Fiscal Agent.

SECTION 8. The Fiscal Agent shall thereupon deliver all of the New Debentures so received by him to The Guaranty Trust Company of Canada, herein called the "Transfer Agent," which shall deal with and distribute the New Debentures so delivered to it as follows:—

(a) Upon presentation and surrender to the Transfer Agent of a debenture or debentures of any issue described in the column numbered 1 of Parts 1, 3, 4, 6, 7, 8, 10, 11, 12, 14 and 15 of the Second Schedule to this Plan (or upon deposit with the Transfer Agent of proof of loss or destruction thereof and indemnity in form satisfactory to it) the Transfer Agent shall deliver to the person presenting and surrendering such debenture or debentures (or depositing such proof and indemnity), or in the case of registered debentures to the registered holder thereof or his duly authorized agent, a New Debenture or New Debentures of the same principal amount as the debenture or debentures so presented and surrendered (or in respect of which such proof and indemnity is deposited) and of the series set out in column numbered 2 of the said parts of the said Second Schedule opposite the description in the said columns numbered 1

of the issue of the debenture or debentures so presented and surrendered (or in respect of which such proof and indemnity is deposited) and such delivery shall be in substitution and exchange for such debenture or debentures;

(b) Upon satisfactory proof and evidence being furnished to the Fiscal Agent by any creditor of the Amalgamated Municipalities whose name is set out in the column headed "Creditor" in Part 2, 5, 9 or 13 of the Second Schedule hereto of his claim as set out opposite his name in the column numbered 1 in the said Part of the said Second Schedule, and upon surrender to the Fiscal Agent by such creditor of any collateral security for his claim as set out in the Note following such creditor's name in the said column headed "Creditor" and upon execution and delivery by such creditor to the Fiscal Agent of a satisfactory release of his claim and the debt represented by it, the Fiscal Agent shall authorize the Transfer Agent to deliver to such creditor a New Debenture or New Debentures of the series set out in the column numbered 2 in the said Part of the said Second Schedule opposite the name of such creditor of the same aggregate principal amount as the amount of the claim so released, and such delivery by the Transfer Agent shall be deemed to be and shall be in payment and satisfaction of the said claim and the debt represented by it. The Fiscal Agent shall thereupon forthwith cancel any collateral security so surrendered and transmit it to the Treasurer of the City, who shall cause it to be destroyed;

(c) Upon presentation and surrender to the Transfer Agent of a debenture or debentures of any issue described in column numbered 1 of Part 16 of the said Second Schedule (or upon deposit with the Transfer Agent of proof of loss or destruction thereof and indemnity in form satisfactory to it) the Transfer Agent shall deliver to the person presenting and surrendering such debenture or debentures (or depositing such proof and indemnity), or in the case of registered debentures to the registered holder thereof or his duly authorized agent, in respect of each debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited) two New Debentures each for one-half of the principal amount of the debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited), and such two New Debentures shall be of the respective series set out in column numbered 2 of the said Part 16 of the said Second Schedule opposite the description in the said column numbered 1 of the issue of the debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited), and such delivery shall be in substitution and exchange for such debenture or debentures;

(d) The Transfer Agent shall set aside and deliver to a Corporate Trustee nominated by the Board in payment and satisfaction of the indebtedness of the Amalgamated Municipalities in respect of the debenture debt of the Essex Border Utilities Commission as set out in column numbered 1 of Part 17 of the Second Schedule hereto, New Debentures of the series set out in column numbered 2 of the said Part 17 opposite the figures representing the said indebtedness in the said column numbered 1 of the said Part 17 and in the same aggregate principal amount as such indebtedness. The receipt of such Corporate Trustee for the New Debentures so set aside and delivered shall constitute a valid and binding receipt to and release of the Fiscal Agent and the Amalgamated Municipalities in respect of such indebtedness. The Corporate Trustees shall hold the New Debentures so set aside and delivered to it by the Transfer Agent in trust for the holders of debentures of the Essex Border Utilities Commission to be dealt with in accordance with a plan to be prepared to take care of the liability of the debenture debt of the said Commission. Any moneys collected in respect of principal, interest or otherwise of the New Debentures so delivered to the Corporate Trustee under this Clause (d) shall be dealt with in accordance with the said plan above referred to in this Clause (d);

(e) (i) The Transfer Agent on receiving from the trustee for the Bondholders under the Mortgage Deed of Trust dated February 1st, 1929, securing an issue of First Mortgage Bonds on the property of Sandwich, Windsor and Amherstburg Railway Company, the Debentures of the Amalgamated Municipalities referred to in the notes in Part 18 of the Second Schedule hereto, shall deliver to the said trustee in payment and satisfaction of the indebtedness of the Amalgamated Municipalities in respect of the capital liability of Sandwich, Windsor and Amherstburg Railway Company, as set out in column numbered 1 of Part 18 of the Second Schedule hereto, New Debentures of the

Series set out in column numbered 2 of the said Part 18 opposite the figures representing the said indebtedness in the said column numbered 1 and in the same aggregate principal amount as such indebtedness. Before delivery of such New Debentures the Transfer Agent shall detach therefrom coupons numbered 1 and 2;

(ii) The Transfer Agent shall deliver to the Treasurer of Ontario the coupons numbered 1 and 2 detached by the Transfer Agent from the New Debentures to be delivered by the Transfer Agent to the trustee for the Bondholders pursuant to Paragraph (i) of Clause (e) of this Section 8. The Transfer Agent shall also deliver to the Treasurer of Ontario on account of the indebtedness of the Amalgamated Municipalities in respect of the operating deficits of Sandwich, Windsor and Amherstburg Railway Company, set out in column numbered 1 of Part 19 of the Second Schedule hereto, New Debentures of the series set out in column numbered 2 of the said Part 19, opposite the figures representing the said indebtedness in the said column numbered 1 in the same aggregate principal amount as such indebtedness. The said coupons and the New Debentures shall be delivered to the Treasurer of Ontario and be in full satisfaction and discharge of all liability of the Amalgamated Municipalities to any person whatsoever:

(a) for the repayment of the Debentures of Sandwich, Windsor and Amherstburg Railway Company, dated the 1st day of June, 1933;

(b) for operating deficits, indebtedness or obligations of Sandwich, Windsor and Amherstburg Railway Company as of the date hereof; and

(c) for all interest now due on the capital liability of Sandwich, Windsor and Amherstburg Railway Company, as set out in column numbered 1 of Part 18 of the Second Schedule hereto and/or on the said Debentures dated the 1st day of June, 1933.

(f) The Transfer Agent, when instructed so to do by the Fiscal Agent, on receiving from the depositary thereof the debentures of Windsor deposited as collateral security and referred to in the Note in Part 20 of the Second Schedule hereto shall set aside and deliver to the trustee for Bondholders under a certain Mortgage Deed of Trust securing the bonds of the Windsor, Essex and Lake Shore Electric Railway Association and dated February 1st, 1929, in payment and satisfaction of the indebtedness of Windsor in respect of the bond issue secured by the said Mortgage Deed of Trust, New Debentures of Series CY in the same aggregate principal amount as the amount of the said indebtedness set out in the said column numbered 1 of the said Part 20. The receipt of the said trustee above mentioned in this Clause (f) for the said New Debentures shall constitute a valid and binding receipt to and release of the Fiscal Agent and Windsor in respect of the said indebtedness of Windsor and in respect of any claim by any person whether by way of debt or contribution or otherwise in respect of such indebtedness; provided, however, that before the Fiscal Agent authorizes the Transfer Agent to deliver such New Debentures to the said trustee for the Bondholders, the said trustee shall have completed the liquidation and disposition of the assets of the said Railway now in its possession or under its control, and shall have credited Windsor with its proper share of the moneys so realized, and the Fiscal Agent shall authorize the setting aside and delivery to the said trustee only New Debentures in an aggregate amount, the face value of which is equivalent to the balance of Windsor's indebtedness so ascertained in respect of such bond issue, and the delivery of such New Debentures shall be in full payment and satisfaction of Windsor's indebtedness and constitute a valid and binding receipt as aforesaid. Any New Debentures not required by the Transfer Agent for delivery to the trustee as aforesaid shall be returned to the Treasurer for cancellation;

(g) For the purpose of providing for the liability of Windsor in respect of the debenture and other debt of the Windsor, Essex and Lake Shore Electric Railway Association set out in column 1 of Part 21 of Schedule 2 hereto, the Transfer Agent shall hold in trust for the debenture holders and other creditors of the Railway New Debentures of Series CY to be issued forthwith, in the same aggregate principal amount as the amount of the indebtedness of Windsor set out in Item 1, column 1 of Part 21 of the Second Schedule hereto, and such further New Debentures as may be issued pursuant to Section 1 (a) of Article III hereof; all such New Debentures and such coupons as may be attached

thereto shall be dealt with as the Board may order. The delivery by the Transfer Agent of all such New Debentures in accordance with such order of the Board shall be in full payment and satisfaction of the indebtedness of Windsor in respect of the said debenture and other debt of the said Railway Association (except the indebtedness in respect of the bond issue referred to above in Clause (f)), and the receipt of the Transfer Agent for all such New Debentures shall constitute a valid and binding receipt to and release of the Fiscal Agent and Windsor in respect of such indebtedness of Windsor and in respect of any claim by any person, whether by way of debt or contribution or otherwise in respect of such indebtedness. The receipt of the Transfer Agent for the New Debenture of Series CY to be issued forthwith as provided above shall be deemed to be in payment and satisfaction of Windsor's indebtedness to the full extent of the face value of such Debentures, and no further claim may be made by any Debenture holder or other creditor against the Fiscal Agent or Windsor with respect to such portion so discharged of the whole debt set out in column 1 of Part 21 of the Second Schedule hereto; provided that nothing herein contained shall affect or prejudice the right of the City to contribution from all or any other Municipalities liable for the said debt set out in column numbered 1 of Part 21 of the Second Schedule hereto;

(h) The Transfer Agent upon the surrender to it of any collateral security as set out in Note 2 to Part 22 of the Second Schedule hereto shall deliver to The Canadian Bank of Commerce New Debentures of the series set out in the column numbered 2 of the said Part 22 of the said Second Schedule opposite the name of the accounts in the said Bank of the same aggregate principal amount as the amount of the indebtedness set out in the column numbered 1 of the said Part. Forthwith upon such delivery by the Transfer Agent such indebtedness shall be deemed to be and shall be postponed and varied to the extent that the same shall thereupon and thereafter bear Mandatory Interest and Income Interest and the principal thereof shall be paid in the terms of the New Debentures so delivered. Such New Debentures shall be held by the said Bank as collateral security for the said indebtedness and on any interest date the said Bank may at its option elect to accept the said New Debentures at the principal amount thereof in full payment and satisfaction of the said indebtedness. The provisions of this Section 8 (h) shall be subject to the provisions of Section 2 of Article VI (a) hereof.

SECTION 9. All New Debentures shall prior to distribution thereof by the Transfer Agent pursuant to the authority of Section 8 of this Article III, be certified by the Fiscal Agent as certifying agent, but the Fiscal Agent may in his discretion appoint such Transfer Agent to perform the act of signing the certification as certifying agent.

SECTION 10. In case any of the New Debentures or coupons issued pursuant to this Plan shall become mutilated or be lost or destroyed, the City in its discretion may issue, and thereupon the Transfer Agent shall deliver another New Debenture or coupon of like date and tenor as the one mutilated, lost or destroyed, in exchange for and in place of and upon cancellation of the mutilated debenture or coupon or in lieu of and in substitution for the same if lost or destroyed, and the substituted New Debenture or coupon shall be in a form approved by the Fiscal Agent. In case of loss or destruction the applicant for such substituted Debenture or coupon shall furnish to the City and to the Fiscal Agent such evidence of the loss or destruction of the New Debenture or coupon so lost or destroyed as shall be satisfactory to the City and to the Fiscal Agent in their discretion and such applicant shall also furnish indemnity satisfactory to them in their discretion. In the event of the Fiscal Agent ceasing to function and his office becoming vacant the powers conferred under this Section shall be exercised by the Treasurer of the City.

SECTION 11. The Fiscal Agent shall forthwith upon receipt thereof cancel any debentures and other evidences of indebtedness of any of the Amalgamated Municipalities and any collateral securities received by him pursuant to Section 8 of this Article III, and shall deliver to the Treasurer of the City such debentures and other evidences of indebtedness and collateral securities so cancelled. The Treasurer of the City shall retain such debentures and other evidences of indebtedness and collateral securities until December 31st, 1941, and shall immediately thereafter destroy them, and it shall be the duty of the Treasurer to keep a record of such destruction.

SECTION 12. The Transfer Agent shall make reports to the Fiscal Agent and/or the Treasurer of the debentures delivered by him pursuant to the provisions of this

Article III, exchanges effected and deliveries made by him pursuant to the provisions of this Article III at such intervals as the Fiscal Agent or the Treasurer may require.

ARTICLE IV

Creation and Maintenance of Income Interest Fund and Sinking Fund

SECTION 1. As long as any of the New Debentures are outstanding the City shall pay to the Trustees on or before the first day of December in each year a sum equivalent to 125% of the amount by which the combined estimated operating expenses of the City and of the Board of Education for Public School purposes exceed $2,900,000. The said sum shall be levied and collected as a part of the taxes for such year of the City. Without limiting the general obligation of the City under the foregoing, and solely for the purpose of establishing as between the City and the Board of Education the proper incidence of the taxes to be levied for the foregoing purpose, such sum when payable hereunder shall be levied and collected from the ratepayers assessable for Public School purposes only to the extent of such sum or to the extent of 125% of the amount by which the estimated operating expenses of the Board of Education for Public School purposes exceed $660,000, whichever is smaller, the balance being levied against and collected from ratepayers assessable for general purposes. Provided that if the combined actual operating expenses of the City, and of the Board of Education for Public School purposes in any year exceed $2,900,000.00 the City shall, before October 1st in the following year, pay to the Trustees a sum equivalent to 125% of such excess, less any sum paid by the City to the Trustees on December 1st preceding such October 1st under the provisions of this Section; and if any amount so paid on such December 1st under the provisions of this section exceeds 125% of the excess of the combined actual operating expenses of the City, and of the Board of Education for Public School purposes over $2,900,000.00, the City shall in the first year or years thereafter in which any amount becomes payable by the City to the Trustees under this Section 1, be entitled to a credit of an amount equivalent to such last mentioned excess.

"Operating expenses of the City" means and includes all moneys expended or to be expended by the City in any year for every purpose whatsoever except—

(a) the expenses of the Board of Education for Public School purposes, the Separate School Board of the City and the Windsor Utilities Commission;

(b) charges for payment of principal and interest on the General Debentures and on all debenture or other capital debt incurred from time to time for other than school purposes;

(c) expenses in the nature of capital replacements; and in the event of any dispute as to whether an expense is in the nature of a capital replacement expense such dispute shall be referred to the Board whose decision shall be binding on all parties for the purposes of this Article;

(d) expenses for relief for which the City is liable to provide under the provisions of The Unemployed Relief Act, 1935, including expenses incurred in connection with the administration thereof;

(e) expenses of the City imposed or increased by reason of or pursuant to legislation of the Parliament of Canada or of the Legislative Assembly of the Province of Ontario, which legislation is of general application to all municipalities in Ontario and in the opinion of the Trustees provides for an imposition and/or increase in expenses of the City of an extraordinary character not of the nature of maintenance and operation; and before providing for the payment of or paying any such extraordinary expenses the City shall refer the same to the Trustees for their opinion as to its character, and the decision of the Trustees as to whether such extraordinary expenses are operating expenses within the meaning of this Section may be appealed by the City or the Board of Education to the Board whose decision or the decision of the Trustees, if no such appeal is taken, shall be final and binding on all parties for the purposes of this Article;

(f) Arrears of Taxes for 1932 and prior years paid to and received by The Canadian Bank of Commerce.

"Operating expenses of the Board of Education" means and includes all moneys expended or to be expended by the Board of Education in any year for every purpose whatsoever except—

(aa) general expenses of the City, including Secondary School expenses;

(bb) charges for the payment of principal and interest on the School Debentures and on all debenture or other capital debt incurred from time to time for school purposes;

(cc) expenses in the nature of capital replacements; and in the event of any dispute as to whether an expense is in the nature of a capital replacement expense such dispute shall be referred to the Board whose decision shall be binding on all parties for the purposes of this Article;

(dd) expenses of the Board of Education for Public School purposes imposed or increased by reasons of or pursuant to legislation of the Parliament of Canada or of the Legislative Assembly of the Province of Ontario, which legislation is of general application to all Boards of Education in Ontario and in the opinion of the Trustees provides for an imposition and/or increase in expenses of the Board of Education for Public School purposes of an extraordinary character not of the nature of maintenance and operation; and before providing for the payment of or paying any such extraordinary expenses the Board of Education shall refer the same to the Trustees for their opinion as to its character, and the decision of the Trustees as to whether such extraordinary expenses are operating expenses within the meaning of this Section may be appealed by the Board of Education to the Board whose decision or the decision of the Trustees if no such appeal is taken shall be final and binding on all parties for the purposes of this Article.

SECTION 2. As long as any of the New Debentures are outstanding the City and/or the Board of Education shall pay to the Trustees on or before the Fifteenth day of April in any year a sum (as ascertained by the certificate of the auditor of the City) equivalent to the amount by which the total receipts of the City and/or the Board of Education for all purposes for the preceding fiscal year from all sources except moneys borrowed have exceeded the obligations of the City for such preceding year in respect of—

(a) operating expenses of the City;

(b) expenditure on or in repayment of loans for capital replacements as determined in clause (e) of Section 1 of this Article;

(c) charges for the payment of principal and interest on the General Debentures and on all debenture debt incurred from time to time for other than school purposes;

(d) expenses for relief as defined in clause (d) of Section 1 of this Article;

(e) expenses of an extraordinary character as defined in clause (e) of Section 1 of this Article;

(f) payments to the Trustees under Section 1 of this Article by reason of the combined operating expenses of the City and of the Board of Education for Public School purposes exceeding the sum of $2,900,000;

(g) arrears of taxes for 1932 and prior years paid to and received by The Canadian Bank of Commerce;

(aa) operating expenses of the Board of Education;

(bb) expenditure on or in repayment of loans for capital replacements as determined in clause (cc) of Section 1 of this Article;

(cc) charges for the payment of principal and interest on the School Debentures and on all debenture debt incurred from time to time for school purposes;

(dd) expenses of an extraordinary character as defined in Clause (dd) of Section 1 of this Article;

For the purposes of this Section the operating capital of the City to an amount not exceeding $325,000 shall not be deemed a receipt of the City in any fiscal year.

For the purposes of this Section the certificate of the auditor of the City as to the sum by which the total receipts of the City for the years 1935 and 1936 respectively have exceeded the obligations of the City for each such year and the sums necessary for the purpose of effecting this Plan shall be given to the Trustees forthwith upon the approval of this plan and thereupon the City shall pay such sums to the Trustees.

SECTION 3. The Trustees shall create and maintain for the purpose of paying Income Interest on the New Debentures a special fund to be known as "the Income Interest Fund" into which they shall pay from time to time one-half of the sums received by them from the City under Section 1 of this Article IV. The Income Interest Fund shall be maintained in a deposit account in Ontario with The Canadian Bank of Commerce. Such account shall be in the names of the Trustees and shall be designated as "Income Interest Fund."

SECTION 4. The moneys so paid into the Income Interest Fund and any other moneys from time to time at the credit thereof shall be accumulated in the said Fund until the amount of the credit thereof including interest, if any, thereon shall be at least $125,000.00. If on the Thirtieth day of April in any year the moneys to the credit of the Income Interest Fund amount to at least $125,000.00, the Trustees shall forthwith authorize a distribution of Income Interest to the holders of the New Debentures payable on the next succeeding thirtieth day of June, and shall forthwith determine the aggregate amount of such distribution, which shall be in their discretion but not less than $125,000.00 and may exceed that amount. The Trustees shall also forthwith notify the Treasurer of the City in writing by registered post that they have authorized such distribution in the aggregate amount so determined. The Treasurer shall thereupon compute the amount of Income Interest payable in respect of each and every New Debenture then outstanding pursuant to the basis of computation set forth in Article V hereof, and shall on or before the fifteenth day of the said month of June deliver a statement of such computation to the Windsor Branch of The Canadian Bank of Commerce. On or before the twenty-fifth day of the said month of June the Trustees shall pay to the Windsor (Ontario) Branch of The Canadian Bank of Commerce for the credit of Income Interest Account the amount of the said distribution with the necessary authority to enable the said Bank to pay out of such account Income Interest to the holders of the New Debentures. The Trustees shall give such public notice of each proposed distribution of Income Interest as they may consider proper under the circumstances.

SECTION 5. If on the thirtieth day of April in any year the moneys at the credit of the Income Interest Fund when added to the total amount of the Mandatory Interest payable during such year on all of the New Debentures then outstanding would exceed an amount equivalent to four and one-half per cent. (4½%) of the aggregate principal amount of the New Debentures then outstanding, a sum equivalent to such excess shall be transferred by the Trustees from the Income Interest Fund and paid into the Sinking Fund created under Section 7 of this Article IV.

SECTION 6. Any amount to the credit of the Income Interest Fund on the thirty-first day of December, 1975, shall be paid by the Trustees to the Treasurer of the City, to be applied in payment of the principal of the New Debentures.

SECTION 7. The Trustees shall create and maintain for the purpose of providing a sinking fund for the purchase of the New Debentures from time to time a special fund to be known as "the Sinking Fund" into which they shall pay from time to time one-half of the sums received by them from the City under Section 1 of this Article IV and all sums received by them from the City and the Board of Education under Section 2 of this Article IV. The Sinking Fund shall be maintained in a deposit or savings account in Ontario with The Canadian Bank of Commerce. The account shall be in the names of the Trustees and shall be designated as "Sinking Fund." Provided, that when the total of such sums so paid into the Sinking Fund in any year are less than $160,000.00, 88% of the difference between the sum so paid and $160,000.00 shall be levied for and collected as part of the general taxes of the City in the following year and 12% of the said difference shall be levied for and collected as a part of the taxes chargeable to Public School supporters in the following year and both such sums shall be paid into the said Sinking Fund during such following year, except that so long as the average yearly amount paid into the Sinking Fund subsequent to 1936 is in excess of $160,000.00 no additional levy shall be required.

SECTION 8. The moneys so paid into the Sinking Fund from time to time shall be applied from time to time at the discretion of the Trustees in the purchase of New Debentures. Such New Debentures so purchased shall be forthwith cancelled by the Trustees and delivered to the Treasurer of the City who shall forthwith on receipt

thereof destroy them. The Trustees shall not in any calendar year prior to the year 1946 apply moneys at the credit of the Sinking Fund in excess of the amount of $150,000 toward the purchase of New Debentures, except in the year 1937 when not more than $300,000 may be so applied by the Trustees.

SECTION 9. In any calendar year prior to the year 1946 in which the taxes levied by the City are not less than the taxes levied in the preceding year but are insufficient to pay the obligations of the City and the Board of Education in respect of the items set out in clauses (a), (b), (c), (d), (e), (f), (g) and (aa), (bb), (cc) and (dd) of Section 2 of this Article IV, the Trustees shall, if requested by the City, apply to the payment of Mandatory Interest any amount at the credit of the Sinking Fund after setting aside the aforesaid sum of $150,000 used or which may be used in the purchase of New Debentures as provided in Section 8 of this Article IV.

SECTION 10. All moneys from time to time at the credit of the Sinking Fund may be invested in the name of the Trustees in securities in which Trustees are by the laws of Ontario authorized to invest trust funds, except mortgages and (subject to the provisions of Section 8 of this Article IV) New Debentures, and any other debentures of the City hereafter issued. The Trustees may also from time to time lend to the City for purposes of capital expenditure on the security of debentures of the City other than New Debentures such amounts as when added to all previous outstanding loans made by the Trustees to the City shall not exceed twenty per cent. (20%) of the moneys then at the credit of the Sinking Fund and available for investment.

SECTION 11. Any investments or loans made from time to time out of the Sinking Fund may be liquidated by the Trustees at any time in their discretion and shall be liquidated not later than the 30th day of June, 1975. The proceeds of such liquidation from time to time shall be paid into the Sinking Fund. Any amount to the credit of the Sinking Fund on the 31st day of December, 1975, shall be paid by the Trustees to the Treasurer of the City, to be applied in payment of the principal of the New Debentures.

ARTICLE V

Computation of Income Interest

Income Interest shall be computed and payable in accordance with the following provisions:

1. Out of the moneys which the Trustees shall authorize in any year to be distributed as Income Interest pursuant to Section 4 of Article IV hereof there shall be divided pro rata among and paid to the holders of the New Debentures of Series B and Series BB, an amount equivalent to one-half of one per cent. of the principal amount of the New Debentures of the said Series B and Series BB then outstanding.

2. The balance of the moneys so authorized by the Trustees to be distributed as Income Interest shall be set apart for payment to the holders of the New Debentures of the remaining Series, being Series AX, Series AY, Series CX, Series CY, Series DX, Series DY, Series AAX, Series AAY, Series CCX, Series CCY, and Series DDY, and shall be apportioned as follows:

(a) An amount equivalent to 16% of such balance shall be made available for distribution to the holders of New Debentures of Series AX, Series AY, Series AAX and Series AAY, hereinafter collectively called "Group A";

(b) An amount equivalent to 76% of such balance shall be made available for distribution to the holders of New Debentures of Series CX, Series CY, Series CCX and Series CCY, hereinafter collectively called "Group C";

(c) An amount equivalent to 8% of such balance shall be made available for distribution to the holders of New Debentures of Series DX, Series DY and Series DDY, hereinafter collectively called "Group D".

3. (a) In any distribution of Income Interest prior to the year 1952 the holders of New Debentures of any Series of Group A or Group C or Group D shall be entitled, collectively, to receive an amount out of the moneys so made available for the holders of New Debentures of the whole Group of which such Series forms a part bearing the same proportion to the amount so made available for such Group as the Sacrifice of Interest of all the debentures of such Series bears to the Sacrifice of Interest of all the debentures of all the Series of such Group.

The "Sacrifice of Interest" above referred to is the figure resulting from the multiplication of the principal amount of a new debenture by the figure set out opposite the designating letters of the Series of which the new debenture forms a part, as follows:

Series	AX	3
"	AY	4
"	CX	1.75
"	CY	2.75
"	DX	3.5
"	DY	4.5
"	AAX	3
"	AAY	4
"	CCX	1.75
"	CCY	2.75
"	DDY	4.5

The moneys which the holders of the New Debentures of each Series collectively are entitled to receive under this Clause (a) of paragraph 3 of Article V hereof shall be divided pro rata among and paid to such holders.

(b) In any distribution of Income Interest subsequent to the year 1951 the moneys made available under paragraph 2 of this Article V for distribution among the holders of New Debentures of each Group shall be divided pro rata among and paid to such holders.

4. If a distribution of Income Interest on the basis above set forth would otherwise result in the holders of all the New Debentures of any Series receiving, collectively, in any year interest (including both Mandatory Interest and Income Interest) to an amount in excess of four and one-half per cent. (4½%) of the principal amount of the outstanding debentures of such Series, such excess shall be divided, first among the holders of the New Debentures of all the remaining Series of the Group of which such first-mentioned Series forms a part, and, if and when such distribution would result in the holders of all the New Debentures of any Group receiving interest (including Mandatory Interest and Income Interest) at a rate in excess of four and one-half per cent. (4½%) of the aggregate principal amount of the outstanding debentures of such Group, such excess shall be divided among the holders of the New Debentures of the remaining Group or Groups in the percentages and proportions set out in paragraphs 2 and 3 respectively of this Article V.

ARTICLE VI

Payment of Arrears of Interest and Unpresented Coupons

SECTION 1. The Fiscal Agent shall forthwith open a deposit account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of "C. W. McDiarmid, Fiscal Agent in trust for Debenture Holders and other Creditors of the Amalgamated Municipalities", and the City shall thereupon forthwith pay into the said account the sum of $2,390,068.49 in trust by way of Arrears of Interest, to be applied by the Fiscal Agent in full payment, satisfaction and settlement of all interest accrued due on the debts owing to the creditors of East Windsor, Walkerville and Windsor, except the debts set out in column numbered I of Part 21 of the Second Schedule hereto. Disbursements from such account shall be made only in payment of Arrears of Interest Coupons and/or Interest Arrears Warrants as herein provided. The holders of New Debentures of the several series except Series DX, Series DY and Series DDY shall be entitled to receive by way of Arrears of Interest the amount expressed in Coupon No. 1 attached to each of the New Debentures to be issued to them pursuant to this Plan. The basis upon which Arrears of Interest are computed is indicated in the Second Schedule hereto. The column numbered 3 in the said Second Schedule indicates the said interest accrued, and the column numbered 4 in the said Second Schedule indicates the percentage of interest accrued which will be paid as Arrears of Interest. Any payments received by Debenture Holders of Windsor on account of Arrears of Interest shall be taken into account in computing the sums to which such Debenture Holders are entitled as Arrears of Interest.

SECTION 2. Any moneys received or recovered from Imperial Bank of Canada as a result of the litigation referred to in the Notes to item numbered 3 in Part 13 of the Second Schedule hereto shall be set aside and applied as follows:

(a) The sum of $9,446.00 shall be paid to the Fiscal Agent and applied in the manner provided in respect thereof in Section 2 of Article XI hereof;

(b) The balance, if and to the extent that it is received or recovered in whole or part satisfaction of the claim that it represents moneys ear-marked or held in trust for the holders of Sandwich debentures, shall be paid to the Fiscal Agent and made available for Arrears of Interest;

(c) If the portion of the said balance remaining after the payment to the Fiscal Agent under clause (b) of this Section 2 is not less than the difference between $133,475.00 and the amount of such payment to the Fiscal Agent under said clause (b), there shall be paid to the Fiscal Agent and made available for Arrears of Interest a sum equivalent to the difference between $118,850.00 and the amount so paid to the Fiscal Agent under said Clause (b);

(d) If the portion of the said balance remaining after payment to the Fiscal Agent under the said Clause (b) is less than the difference between $133,475.00 and the amount of such payment to the Fiscal Agent under said Clause (b) there shall be paid to the Fiscal Agent and made available for Arrears of Interest a sum bearing the same ratio to the amount of such remaining portion as the difference between $118,850.00 and the amount so paid to the Fiscal Agent under said Clause (b) bears to the difference between $133,475.00 and the amount so paid to the Fiscal Agent under said Clause (b);

(e) Any moneys not paid to the Fiscal Agent under Clauses (a), (b), (c) and (d) of this Section 2 shall be paid to or retained by the City.

SECTION 3. As soon as any moneys are so available for Arrears of Interest under Section 2 of this Article VI the Fiscal Agent shall open an account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of C. W. McDiarmid, Fiscal Agent, Sandwich Arrears," and the City (or if he has already received the same, the Fiscal Agent) shall thereupon forthwith pay into the said account the moneys so available. The holders of New Debentures of Series DX, Series DY and Series DDY bearing Interest Arrears Warrants shall be entitled on surrendering such warrants to the said Bank to receive out of the moneys so deposited an amount bearing the same proportion to the amount expressed in the Interest Arrears Warrant so surrendered as the moneys so made available and deposited in the said Bank bear to the sum of $118,850.00.

SECTION 4. The Transfer Agent, on the presentation and surrender of any of the debentures of the Amalgamated Municipalities from which there have been detached any unpaid coupons for interest accrued since default in payment thereof shall be entitled as a condition of delivering New Debentures pursuant to Section 8 of Article III hereof to detach from such New Debentures coupon No. 1 and make such adjustment of Arrears of Interest in respect thereof, including payment to the holders of such coupons when presented, as the Fiscal Agent may deem proper under the circumstances and direct and such adjustment shall be final and binding on all parties.

SECTION 5. The Fiscal Agent shall forthwith open a deposit account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of "C. W. McDiarmid, Fiscal Agent, in Trust, Unpresented Coupons," and the City shall thereupon forthwith pay into the said account in trust the sum of $14,190.10 to be applied only in payment of Unpresented Coupons. The holders of Unpresented Coupons shall be entitled to receive payment out of the said account of the amount of the face value of such coupons. A list of the Unpresented Coupons is set out in the Third Schedule hereto.

SECTION 6. The City and the Fiscal Agent and the said Bank shall cease to be liable for payment of any Arrears of Interest coupons and Unpresented Coupons and Interest Arrears Warrants which are not presented for payment prior to the 31st day of December, 1943. Any balances to the credit of any of the accounts in the said Bank directed to be opened under this Article VI shall forthwith after the 31st day of December, 1943, be transferred to the Trustees and shall by them be paid into the Income Interest Fund.

ARTICLE VI (a)

SECTION 1. The City shall forthwith pay to The Canadian Bank of Commerce the sum of $6,457.55, representing the balance in Tax Arrears Account at December 31st, 1935, and the sum of $300,000 on account of loans and advances made by the said Bank to the Supervisors for Windsor.

SECTION 2. Notwithstanding anything herein contained, The Canadian Bank of Commerce shall, until December 31st, 1946, be entitled to be paid by the City and/or to retain and apply on account of the indebtedness of Windsor to the said Bank (as shown in the Current Account set out in Part 22 of the Second Schedule hereto) any arrears of taxes for 1932 and prior years. Any moneys so received by The Canadian Bank of Commerce shall be applied by the said Bank as follows: First, in payment and satisfaction of interest due to the said Bank in respect of such Current Account at the mandatory rate of 3¼%, and, secondly, on account of the principal due on such Current Account from time to time.

ARTICLE VII

Readjustment of Mandatory Interest

The Trustees shall, during the year 1940, cause a financial survey to be made of those areas of the City which formerly constituted East Windsor, Walkerville, Windsor and Sandwich, and if the total assessment or levy for taxes in any or all of such areas has increased or improved to an extent sufficient, in the opinion of the Trustees, to justify an increase in the rates of Mandatory Interest payable on the New Debentures or any of them, the Trustees may, by resolution, provide for such increase or increases in the Mandatory Interest payable on the said debentures, during the five years commencing with January 1st, 1941, as they may consider to be justified by such increase and improvements.

If the Trustees so increase the rate or rates of Mandatory Interest, New Debentures then outstanding of the Series in respect of which such increased rates apply shall be deemed to be amended as though the mandatory rates applicable thereto under Section 3 of Article III hereof were expressed to be at such increased rate or rates.

A financial survey similar to the aforesaid survey shall again be made during the year 1945 for the like purposes and the Trustees shall have the like powers of increasing the said rates of Mandatory Interest with the like results, and such survey shall be repeated at quinquennial intervals for the like purposes and with the like results until 1970.

The Trustees, however, shall not provide for any increase in the rate of Mandatory Interest which obligates the City to pay interest at a rate exceeding four and one-half per cent. (4½%) per annum on the principal amount of any of the said New Debentures.

Any decision of the Trustees hereunder shall be subject to appeal to the Board who shall however have no jurisdiction to reduce the rate of mandatory interest below the rate prevailing immediately prior to the decision of the Trustees.

ARTICLE VIII

Trustees

SECTION 1. There shall be constituted for the duties herein imposed upon them a Board of Trustees consisting of three members. The first members shall be A. McPherson, of London, Ontario, nominated by the Protective Committees formed by debenture holders of the Amalgamated Municipalities, and two other persons, one of whom is to be appointed by the Treasurer of Ontario and the other to be appointed by the City. The Treasurer of Ontario and the City shall make the aforesaid appointments within one month after the Board has made an order approving of this Plan.

A. McPherson shall hold office until his successor is appointed as hereinafter provided, the appointee of the Treasurer of Ontario shall hold office until December 31st, 1939, and the appointee of the City shall hold office until December 31st, 1938.

On or before December 31st, 1938, the City shall appoint a Trustee to succeed their first appointee, and the successor so appointed shall be a member of the Trustees for a period of two years until December 31st, 1940. On or before December 31st, 1940, the City shall again appoint a successor to be a Trustee for a like period of two years, and so on from time to time.

On or before December 31st, 1939, the Treasurer of Ontario shall appoint a Trustee to succeed his first appointee, and the successor so appointed shall be a member of the Trustees for a period of two years until December 31st, 1941. On or before December

31st, 1941, the Treasurer shall again appoint a successor to be a Trustee for a like period of two years, and so on from time to time.

The successor of A. McPherson from time to time shall be appointed in the following manner: A. McPherson shall nominate in writing two other persons to constitute with him a panel, of which he shall be the senior member. If at any time a member of the said panel dies, resigns or is incapable of acting, the senior remaining member of the panel shall nominate in writing a person to fill the vacancy on the panel, and so on from time to time. The senior member of the panel from time to time shall be a member of the Board of Trustees. Priority of nomination to the panel shall determine the seniority of members of the panel. The senior member of the panel shall from time to time file with the Treasurer of Ontario and the City the written nomination of each member of the panel and his written acceptance thereof.

If at any time the appointee of the Treasurer of Ontario or of the City shall, before the expiration of his term of office, die, resign or be incapable of acting, the Treasurer of Ontario or the City, as the case may be, shall forthwith appoint his successor to fill his unexpired term.

The appointee of the Treasure of Ontario shall be the Chairman of the Trustees.

If at any time the senior member of the panel or the Treasurer of Ontario or the City fails to make any nomination or appointment to the panel or for Trustee within one month after the time above provided for such nomination or appointment, the Board may upon the application of any Trustee make such nomination or appointment.

In addition to the above mentioned three members the Mayor of the City shall at all times be a member of the Board of Trustees and privileged to attend all meetings thereof but not to vote thereat unless he is the appointee of the City under the first paragraph of this Section "1" of this Article.

SECTION 2. The Trustees shall act without remuneration but shall be entitled to receive their actual expenses incurred in attending meetings of the Trustees or while engaged on the business of the Trustees. The Trustees may in connection with the execution of their duties and powers appoint or employ accountants, bankers, solicitors or other experts or agents or employees and shall not be responsible for misconduct of such appointees or employees. The City shall pay to the Trustees their expenses incurred as aforesaid or in connection with the services of such appointees or employees. The City shall not, however, be obligated to pay to the Trustees amounts in excess of $5,000 in the aggregate for expenses so incurred in any one year without the approval of the Board, which may be given on the application of any Trustee. The books of account of the Trustees shall be subject to audit by the Auditor of the City at all reasonable times.

SECTION 3. The Trustees and their duly authorized representatives shall have the right to inspect any or all books or records of the City and/or the Board of Education and/or any other local board at any time and to demand and receive full explanations thereof and of any other matters relevant to this Plan, and all officials, agents and servants of the City and/or the Board of Education and/or any local board shall furnish such information when so requested.

ARTICLE IX

SUPERVISION

The City shall comply with the following provisions. On or before the first day of March in each year commencing in the year 1938, the City shall submit its proposed budget for the current year to the Trustees. Unless the Trustees, within fifteen days of the submission to them of the said proposed budget, notify the City of their disapproval, the City may thereafter pass the same and strike its tax rate in accordance therewith. If the Trustees notify the City within the said fifteen days that they do not approve the proposed budget, then either the City or the Trustees may appeal to the Board and the Board shall have power to determine any matters at issue between the City and the Trustees with respect to such proposed budget, and to make such order as it deems necessary or advisable for the purpose of assuring payment of the amount due in such year under this Plan. Subject to the provisions of Section 65 of the Department of Municipal Affairs Act, 1935, the new City shall remain under the supervision of the Department until January 1st, 1938, and then an application may be made to the Board to remove the City and all local Boards from the provisions of Part III of the said Act.

ARTICLE X

Subject to the provisions of Section 1 of Article XI hereof, upon delivery of the New Debentures to the Fiscal Agent as provided in Section 7 of Article III hereof and delivery of New Debentures as may be ordered by the Board under Section 1 (a) of Article III hereof and the payment of the amounts provided by Section 1 of Article VI hereof, all debts of the Amalgamated Municipalities, whether direct or indirect and whether by way of contribution or otherwise, shall be deemed to be paid and discharged and the rights of the creditors of the Amalgamated Municipalities shall be limited to receiving New Debentures and Arrears of Interest in accordance with the provisions of Articles III and VI hereof respectively.

Provided that nothing in this Plan contained shall affect—

(a) The rights of any creditors of any of the Amalgamated Municipalities against any government, corporation or person or any municipality or commission (other than the Amalgamated Municipalities or any local Boards thereof) in respect of any liability for the payment of any debt of such Amalgamated Municipalities;

(b) The rights of The Canadian Bank of Commerce under agreements dated the 1st day of February, 1932, validated by Sections 2 and 3 of the Essex Border Utilities Commission Act, 1932, 22 George V Chapter 97.

ARTICLE XI

General

SECTION 1. If any person shall on or before the 30th day of June, 1938, make a claim against the City of a nature provable under the Bankruptcy Act in respect of a debt of any of the Amalgamated Municipalities for which this Plan makes no other provision, and shall establish the validity of such claim and debt to the satisfaction of the City or of a Court of competent jurisdiction, the City shall issue to such person in full settlement thereof, including accrued interest, a debenture of like tenor and effect as the New Debenture which would have been issuable hereunder in satisfaction of a debt of the same kind and amount.

SECTION 2. The City shall forthwith pay the Fiscal Agent in trust for the purposes hereinafter set forth, the sum of $203,687.00 (and if and when any moneys are received or recovered from Imperial Bank of Canada as a result of the litigation referred to in the notes to item numbered 3 in Part 13 of the Second Schedule hereto, the additional sum of $9,446.00) and the Fiscal Agent, subject to the approval of the Board, shall apply the said moneys or so much thereof as may be necessary in payment of the expenses of the Protective Committees formed by the holders of debentures of the Amalgamated Municipalities, the City, The Windsor Finance Commission, the Fiscal Agent and the Transfer Agent, which expenses were incurred in connection with the negotiations for and preparation, submission and carrying out of this Plan, all costs and expenses arising out of litigation with the Imperial Bank of Canada, and in payment of such sums as the Board may direct by way of costs of and incidental to all proceedings in connection with this Plan. Any surplus out of the amount or amounts so paid to the Fiscal Agent and not required for the aforesaid payments shall be paid by him to the Trustees and shall by them be paid into the Income Interest Fund.

SECTION 3. The Fiscal Agent and/or the Transfer Agent shall keep a register or registers in which shall be recorded a list of the persons to whom the New Debentures are delivered pursuant to Article III hereof and such other registers or books as may be deemed necessary or proper in order to record the matters herein authorized to be done and the registers and books and other records relating to such matters shall be subject to inspection by the Treasurer of the City at all reasonable times and the Fiscal Agent and/or the Transfer Agent on completion of the performance of the duties hereby imposed on them shall deliver to the Treasurer of the City all books, records and documents of every nature and description in their custody and possession and relating to the execution and administration of this Plan, and such books, records and documents shall be made available by the Treasurer at all reasonable times to any persons having a bona fide direct interest therein.

SECTION 4. Upon the settlement or final adjudication of the litigation between the City, Wilfred McDonnell and Imperial Bank of Canada referred to herein, the Fiscal

Agent in consultation with the parties to such litigation shall make such adjusment in the Debentures payable to the said Bank as may be required to provide for such settlement or final adjudication and the Fiscal Agent shall return to the Treasurer of the New City for cancellation any New Debentures authorized hereby and not required for the aforesaid purposes.

SECTION 5. The Fiscal Agent or the Transfer Agent may be removed by the Board for cause upon the application of the Trustees or any of them.

SECTION 6. The Board may correct typographical or other manifest errors in this Plan, provided that such corrections shall in the opinion of the Trustees in no way prejudice the rights of the holders of New Debentures, and the City shall execute all such documents as may be necessary to give effect to such corrections.

SECTION 7. In the event of any dispute or disagreement between any of the persons referred to herein as to the interpretation or operation hereof, such dispute or disagreement shall, at the request of any such person, be referred to the Board for decision, and the decision of the Board thereon shall be final and binding on all parties in the same manner and to the same extent as if such decision had been included in this Plan as a part thereof.

SECTION 8. No appeal to the Board under the provisions of this Plan shall be heard unless such appeal is made by application filed with the Board within twenty-one days after the date of the decision appealed from, unless the Board is satisfied that the appellant did not know of such decision and that reasonable notice of such decision was not given.

SECTION 9. Except as to the provisions for appeal or amendment herein contained no order of the Board shall be made altering or varying this Plan in any manner.

FIRST SCHEDULE

Form of General Debenture of all Series

Series..... $.....

City of Windsor General Refunding Debenture

The Corporation of the City of Windsor hereby promises to pay to the bearer hereof on the 31st day of December, 1975, unless redeemed prior thereto, upon presentation and surrender hereof.....dollars.....together with one-half year's mandatory interest thereon at the then current rate in lawful money of Canada at the Windsor (Ontario) Branch of The Canadian Bank of Commerce,

and to pay Mandatory Interest on the said sum of.....from the 1st day of January, 1936, at the said Branch in like money half-yearly on the 30th day of June and the 31st day of December in each year to the bearer of the annexed coupons numbered 3 to 79, inclusive, upon presentation and surrender thereof as they severally become due, such payments of Mandatory Interest to be at the rate of

.....per cent. in each year until and including the year 1940, and thereafter at the current rate from time to time as determined in accordance with the provisions

relating to readjustment of Mandatory Interest and being not less than..... per cent.

The said Corporation further promises to pay at the said Branch in like money to the bearer of the annexed coupons payable on the 30th day of June in any year and upon presentation and surrender thereof Income Interest on the said sum of.....

.....if Income Interest is then payable pursuant to the provisions relating thereto.

This Debenture may be redeemed before maturity on June 30th in any year at the principal amount thereof, together with interest accrued to the date of redemption.

The said Corporation further promises to pay at the said Branch in like money to the bearer of the annexed coupon (or warrant) numbered 1 and upon presentation and

surrender thereof Arrears of Interest in accordance with the terms of the said coupon (or warrant).

IN WITNESS WHEREOF and under the authority of an order of the Ontario Municipal Board dated the 14th day of April, 1937, and of By-law No. 113 of the Municipal Council of the Corporation of the City of Windsor duly passed on the 25th day of June, 1937, this Debenture is sealed by the said Corporation and signed by the Mayor and Treasurer thereof.

CORPORATION OF THE CITY OF WINDSOR

.....
Mayor

.....
Treasurer

FIRST SCHEDULE

Form of Coupon No. 1 for Arrears of Interest

(applicable to Debentures of Series AX, Series AAX, Series AY, Series AAY, Series B, Series BB, Series CX, Series CCX, Series CY, and Series CCY)

Series.....

Coupon No. 1

The Corporation of the City of Windsor will pay to the bearer on demand at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of.....

.....in full settlement of interest due and accrued to December 31st, 1935.

C. W. McDIARMID,
Fiscal Agent, City of Windsor.

Form of Coupon No. 1

Interest Arrears Warrant

(applicable to Debentures of Series DX, Series DY and Series DDY)

Series.....

Coupon No. 1

The Corporation of the City of Windsor will pay to the Bearer hereof, if and when and on the terms on which payable under the provisions of Article VI of the Refunding Plan authorized by the order referred to in its General Refunding Debentures Series....

part or all of the sum of $.....in full settlement of interest due and accrued to December 31st, 1935.

C. W. McDIARMID,
Fiscal Agent, City of Windsor.

Form of Coupon No. 2

For Mandatory Interest from January 1st, 1936, to June 30th, 1937

Series.....

Coupon No. 2

The Corporation of the City of Windsor will pay to the bearer hereof on the 1st day of August, 1937, at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one and one-half year's Mandatory Interest on its General Refunding Debenture Series.

A. E. COCK,
Treasurer, City of Windsor.

Form of Coupons Bearing Even Numbers from 4 to 8, Inclusive, for Mandatory Interest and Income Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer hereof on the 30th day of June, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one-half-year's Mandatory Interest on its General Refunding Debenture Series.....and also Income Interest, if payable, and on the terms set out in the provisions relating thereto.

A. E. COCK,
Treasurer, City of Windsor.

Form of Coupons Bearing Odd Numbers from 3 to 9, Inclusive, for Mandatory Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer hereof on the 31st day of December, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one-half-year's Mandatory Interest on its General Refunding Debenture Series.....

A. E. COCK,
Treasurer, City of Windsor.

FIRST SCHEDULE

Form of Coupons Bearing Even Numbers from 10 to 78, Inclusive, for Mandatory Interest and Income Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer on the 30th day of June, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce Mandatory Interest at the rate current on the said date as set out on its General Refunding Debenture Series....., being not less than $....., and also Income Interest, if payable.

A. E. COCK,
Treasurer, City of Windsor.

FIRST SCHEDULE

Form of Coupons Bearing Odd Numbers from 11 to 79, Inclusive, for Mandatory Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer on the 31st day of December, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce Mandatory Interest at the rate current on the said date as set out on its General Refunding Debenture Series....., being not less than $.....

A. E. COCK,
Treasurer, City of Windsor.

Form for Back of Debenture

Series..... $.....

City of Windsor General Refunding Debenture

Principal due December 31st, 1975
Interest payable June 30th and December 31st

Minimum Mandatory Rate.....% per annum
Principal and Interest payable
Windsor, Ontario, Branch,
Canadian Bank of Commerce

Form of Certificate

I hereby certify that the within Debenture is one of the issue of General Refunding Debentures of the City of Windsor and that the same has been properly issued for

funding and refunding the debt of.....

.....
Certifying Agent.

Form of Certificate of Validity by the Board

In pursuance of The Ontario Municipal Board Act, 1932, the Board certifies that By-law No. 113 of the Corporation of the City of Windsor passed on the 25th day of June, 1937, has been approved by the Board and that the within Debenture issued under the authority of such By-law and in conformity therewith is valid and binding upon the said Corporation and its validity may not be contested or questioned for any cause whatsoever.

Dated this.....day of....., 1937.

.....
SEAL For the Board.

The provisions relating to Redemption, Income Interest, Sinking Fund and Readjustment of Mandatory Interest are fully set forth in Articles III, IV, V and VII of the Plan as attached to the Order of The Ontario Municipal Board, dated 14th of April, 1937, a copy of which may be obtained from the City Treasurer.

SECOND SCHEDULE

PART 1

EAST WINDSOR DEBENTURE ISSUES

By-law Authorizing	Column No. 1 Description of Issue Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 659	Jan. 15, 1925	$ 132,116.95	AX	$ 30,025.15	50%
No. 707	Dec. 15, 1925	114,407.80	AX	26,000.31	50%
No. 708	Dec. 15, 1925	101,843.91	AX	23,145.05	50%
No. 715	Dec. 15, 1925	18,226.34	AX	4,142.09	50%
No. 723	Dec. 15, 1925	59,717.24	AX	13,571.32	50%
No. 725	July 15, 1926	25,000.00	AX	5,578.71	50%
No. 748	Dec. 1, 1927	23,979.59	AX	5,495.63	50%
No. 750	Oct. 1, 1926	126,829.75	AX	30,075.99	50%
No. 751	Oct. 1, 1926	145,238.01	AX	34,411.14	50%
No. 755	Dec. 15, 1926	519.07	AX	117.96	50%
No. 756	Dec. 15, 1926	32,187.31	AX	7,314.89	50%
No. 757	Dec. 15, 1926	190,249.25	AX	43,236.01	50%
No. 758	Dec. 15, 1926	47,357.38	AX	10,762.42	50%
No. 821	Dec. 1, 1927	31,663.10	AX	7,256.55	50%
No. 823	Dec. 1, 1927	19,891.29	AX	4,558.66	50%
No. 827	Dec. 1, 1927	1,841.08	AX	421.93	50%
No. 828	Dec. 1, 1927	4,255.24	AX	975.22	50%
No. 829	Dec. 1, 1927	21,248.67	AX	4,869.74	50%
No. 845	Dec. 1, 1927	138,186.03	AX	31,669.47	50%
No. 853	Oct. 1, 1928	10,900.00	AX	2,589.07	50%
No. 887	Dec. 1, 1928	14,679.30	AX	3,364.20	50%
No. 888	Dec. 1, 1928	157,093.38	AX	36,002.65	50%
No. 889	Dec. 1, 1928	52,107.51	AX	11,941.99	50%
No. 954	July 1, 1929	5,315.72	AX	1,196.41	50%
No. 1018	Nov. 15, 1930	23,597.42	AX	5,462.97	50%
No. 1019	Nov. 15, 1930	42,182.70	AX	9,765.68	50%
No. 37	June 1, 1914	7,901.63	AY	1,991.92	50%
No. 367	Dec. 15, 1922	35,308.33	AY	8,826.74	50%
No. 405	June 1, 1923	18,751.00	AY	4,726.94	50%
No. 419	Nov. 1, 1923	76,291.00	AY	19,589.24	50%
No. 586	Dec. 15, 1924	6,463.79	AY	1,615.83	50%
No. 615	Dec. 15, 1924	3,255.15	AY	813.73	50%
No. 626	Dec. 15, 1924	65,488.36	AY	16,371.18	50%
No. 627	Dec. 15, 1924	42,818.47	AY	10,704.05	50%
No. 945	Nov. 1, 1929	208,150.53	AY	53,446.54	50%
No. 946	Nov. 1, 1929	26,639.81	AY	6,840.30	50%
No. 953	Nov. 1, 1929	8,667.95	AY	2,225.66	50%
No. 955	Nov. 1, 1929	35,262.17	AY	9,054.25	50%
No. 987	Nov. 1, 1930	33,596.88	AY	8,626.65	50%
No. 988	Nov. 1, 1930	17,735.26	AY	4,553.88	50%
No. 103	Dec. 1, 1916	1,525.93	AY	465.30	50%
No. 148	Apr. 1, 1919	5,413.97	AY	1,543.18	50%
No. 165	Aug. 1, 1919	2,165.47	AY	573.83	50%
No. 166	Aug. 1, 1919	1,615.71	AY	428.14	50%
No. 167	Oct. 23, 1919	6,073.99	AY	1,709.35	50%
No. 170	Oct. 25, 1919	28,787.89	AY	8,091.98	50%
No. 182	Feb. 2, 1920	2,997.22	AY	793.73	50%
No. 205	July 15, 1920	9,022.67	AY	2,416.09	50%
No. 218	Dec. 1, 1920	10,539.82	AY	2,898.52	50%
No. 308	Feb. 1, 1922	43,319.65	AY	12,768.02	50%
No. 340	Aug. 1, 1922	1,922.65	AY	509.48	50%
No. 341	Aug. 1, 1922	2,114.94	AY	560.44	50%
No. 364	Dec. 15, 1922	1,245.49	AY	339.65	50%
No. 397	Dec. 15, 1922	102,484.62	AY	27,948.56	50%
No. 398	Dec. 15, 1922	3,776.84	AY	1,029.98	50%

SECOND SCHEDULE

PART 1—Continued

By-law Authorizing	Column No. 1 Description of Issue Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 399	Dec. 15, 1922	14,746.49	AY	4,021.51	50%
No. 433	July 1, 1923	1,383.53	AY	373.66	50%
No. 491	Dec. 15, 1923	2,598.41	AY	708.61	50%
No. 493	Dec. 15, 1923	1,815.88	AY	495.20	50%
No. 494	Dec. 15, 1923	1,815.88	AY	495.20	50%
No. 508	Dec. 15, 1923	3,343.43	AY	911.78	50%
No. 510	Dec. 15, 1923	10,919.41	AY	2,977.83	50%
No. 511	Dec. 15, 1923	18,187.55	AY	4,959.92	50%
No. 515	Dec. 15, 1923	4,989.00	AY	1,360.55	50%
No. 536	Dec. 15, 1923	56,573.91	AY	15,428.26	50%
No. 537	Dec. 15, 1923	10,890.89	AY	2,970.05	50%
No. 538	Dec. 15, 1923	233,818.48	AY	63,764.63	50%
No. 542	June 15, 1924	19,295.43	AY	5,262.04	50%
No. 552	Dec. 15, 1923	78,196.28	AY	21,324.90	50%
No. 207	Aug. 5, 1920	30,204.50	AY	8,649.35	50%
No. 209	Aug. 15, 1921	15,770.23	AY	4,487.73	50%
No. 216	Nov. 1, 1920	32,622.00	AY	9,899.14	50%
No. 222	Jan. 1, 1921	23,249.58	AY	6,802.60	50%
No. 237	Feb. 15, 1921	3,439.71	AY	978.84	50%
No. 259	June 1, 1921	12,297.51	AY	3,663.80	50%
No. 263	July 15, 1921	3,741.80	AY	1,085.45	50%
No. 265	Aug. 15, 1921	8,481.70	AY	2,413.63	50%
No. 272	Sept. 15, 1921	32,622.00	AY	9,103.15	50%
No. 275	Nov. 1, 1921	69,354.57	AY	21,045.64	50%
No. 281	Nov. 1, 1921	4,630.08	AY	1,253.27	50%
No. 282	Dec. 1, 1921	36,984.97	AY	11,018.94	50%
No. 297	Feb. 1, 1922	590.90	AY	169.63	50%
No. 303	May 1, 1922	28,264.17	AY	8,576.76	50%
No. 304	May 1, 1922	1,297.37	AY	393.69	50%
No. 313	Aug. 1, 1922	32,797.99	AY	9,415.31	50%
No. 317	June 1, 1922	11,221.83	AY	3,343.32	50%
No. 343 No. 344	July 1, 1922	16,370.68	AY	4,789.89	50%
		$3,172,487.39		$797,558.64	

SECOND SCHEDULE

PART 2

SUNDRY INDEBTEDNESS OF EAST WINDSOR

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
1. PROVINCE OF ONTARIO				
(a) Ontario Housing Act (1919) Loans	$ 42,033.89	AX	$ 11,489.23	50%
(Note—As security to the above debt the Province holds debentures amounting to $128,000.00, which are to be surrendered and cancelled.)				
(b) Overpayment of Relief in 1932	23,676.32	AX	3,551.45	50%
2. COUNTY OF ESSEX				
Judgment arising out of separation from County, 1931	25,393.38	AX	6,183.33	50%
3. TOWNSHIP OF SANDWICH EAST				
(a) Agreement dated April 3, 1922, past due payments	13,645.40	AX	1,119.33	50%
(a) Principal unmatured under above agreement, By-law No. 749.	2,090.79	AY	.....	....
(b) Housing Commission contracts assumed	13,828.85	AX	3,252.62	50%
4. BANK OF MONTREAL				
(a) Current account	588,000.00	AX	92,184.98	50%
(b) Capital account	581,729.62	AX	90,686.78	50%
5. THE CANADIAN BANK OF COMMERCE				
Expropriation and damage claim re subway	196.53	AX	15.11	50%
6. SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY				
Track laying on Tecumseh Road, 1930	4,073.61	AY	1,251.50	50%
7. WINDSOR UTILITIES COMMISSION				
As Successor of Walkerville Hydro-Electric System:				
(a) Signal Repairs, 1931	3,528.94	AX	743.02	50%
(b) Open account re subway	24,735.36	AX	5,019.12	50%
As Successors of The Essex Border Utilities Commission:				
(c) Account re subway	1,082.14	AX	282.63	50%
As Successor of Walkerville-East Windsor Water Commission:				
(d) Account re subway	133.70	AX	29.05	50%
8. CANADIAN MOTOR LAMP CO. LTD.				
Expropriation and damage claims re subway	7,921.46	AX	1,533.28	50%

SECOND SCHEDULE

PART 2—Continued

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
9. D. A. CROLL & COMPANY Expropriation and damage claims re subway.....	131.02	AX	41.31	50%
10. FORD MOTOR CO. OF CANADA LTD. Expropriation and damage claims re subway.....	8,592.08	AX	1,174.62	50%
11. JOSEPH KOVINSKY Expropriation and damage claims re subway.....	15,796.31	AX	3,498.21	50%
12. WILLIAM LEVASSEUR Expropriation and damage claims re subway.....	1,308.79	AX	265.65	50%
13. A. LEVASSEUR Expropriation and damage claims re subway.....	1,177.82	AX	224.76	50%
14. P. OZARD Expropriation and damage claims re subway.....	1,112.40	AX	212.28	50%
15. PLANTE BROS. Expropriation and damage claims re subway.....	2,682.46	AX	680.70	50%
16. CYRIAC PLANTE Expropriation and damage claims re subway.....	3,039.48	AX	773.52	50%
17. J. D. REAUME Expropriation and damage claims re subway.....	5,367.47	AX	2,728.77	50%
18. J. P. RENAUD Expropriation and damage claims re subway.....	3,882.33	AX	675.24	50%
19. MRS. E. LAPPAN Expropriation and damage claims re subway.....	747.30	AX	188.16	50%
20. MRS. E. PLANTE Expropriation and damage claims re subway.....	884.87	AX	223.83	50%
21. CANADIAN BRIDGE COMPANY LIMITED Account re subway.....	1,966.93	AX	535.10	50%
22. CANADIAN NATIONAL RAILWAYS Account re subway.....	27.67	AX	8.23	50%
23. CLEARY DEAN AND NICOLI Account re subway.....	229.90	AX	48.69	50%
24. GUARANTY TRUST COMPANY OF CANADA Re—Estate of Canada Paving & Supply Corp. Ltd. Account re subway.....	51,627.99	AX	11,789.59	50%
	$1,430,644.81		$240,410.09	

SECOND SCHEDULE

PART 3

EAST WINDSOR PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 660	June 15, 1935	$ 35,904.86	AAX	$ 8,159.92	50%
No. 685	Nov. 1, 1925	22,900.00	AAX	5,345.31	50%
No. 724	July 15, 1926	183,000.00	AAX	40,836.45	50%
No. 809	Dec. 1, 1927	13,008.11	AAX	2,981.20	50%
No. 844	Oct. 1, 1928	173,500.00	AAX	40,948.67	50%
No. 606	Dec. 15, 1924	28,556.32	AAY	7,138.77	50%
No. 927	Nov. 1, 1929	73,563.83	AAY	18,833.43	50%
No. 972	Oct. 1, 1930	12,000.00	AAY	3,135.49	50%
No. 91	Aug. 1, 1916	17,292.25	AAY	4.582.27	50%
No. 349	Aug. 1, 1927	104,777.62	AAY	27,765.00	50%
No. 409	June 1, 1923	14,369.31	AAY	3,951.71	50%
No. 410	June 1, 1923	9,483.79	AAY	2,608.14	50%
No. 518	June 15, 1923	188,508.41	AAY	51,408.12	50%
No. 273	April 1, 1922	15,352.36	AAY	4,740.63	50%
		892,216.86		$222,435.11	

SECOND SCHEDULE

PART 3

WALKERVILLE DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 501	Dec. 14, 1913	$ 28,300.70	B	$ 60.19	15%
No. 1233	Mar. 14, 1928	10,344.56	B	22.04	15%
No. 1234	Mar. 14, 1928	17,650.22	B	37.57	15%
No. 593	Dec. 14, 1914	2,904.02	B	6.86	15%
No. 979	Dec. 14, 1923	18,588.31	B	43.87	15%
No. 1086	Dec. 14, 1925	3,039.68	B	7.17	15%
No. 1094	Dec. 14, 1925	96,588.07	B	227.83	15%
No. 1114	Dec. 14, 1925	2,167.21	B	5.11	15%
No. 1127	Dec. 14, 1925	1,222.31	B	2.89	15%
No. 1131	Dec. 14, 1925	2,867.41	B	6.76	15%
No. 1137	Dec. 14, 1925	135,942.19	B	320.82	15%
No. 1155	Dec. 14, 1925	33,448.29	B	78.93	15%
No. 1162	Dec. 14, 1927	50,040.43	B	118.09	15%
No. 1190	Feb. 23, 1927	19,487.18	B	45.99	15%
No. 1196	April 11, 1927	75,839.11	B	179.00	15%
No. 1204 "A"	Dec. 14, 1927	41,086.98	B	96.97	15%
No. 1204 "B"	Dec. 14, 1929	12,003.88	B	28.33	15%
No. 1206	Dec. 14, 1926	7,693.96	B	18.17	15%
No. 1207	Dec. 14, 1926	26,397.07	B	62.28	15%
No. 1209	Dec. 14, 1927	5,877.98	B	13.86	15%
No. 1222	Dec. 14, 1928	19,044.60	B	44.93	15%
No. 1259	Dec. 14, 1928	29,808.50	B	70.33	15%
No. 1261	Dec. 14, 1928	130,623.32	B	308.27	15%
No. 1262	Dec. 14, 1928	44,531.91	B	105.06	15%
No. 1279	Dec. 13, 1929	18,405.08	B	43.45	15%
No. 1281	Dec. 13, 1929	8,545.23	B	20.16	15%
No. 1297	Dec. 12, 1930	10,430.21	B	24.62	15%
No. 1300	Dec. 14, 1929	106,548.88	B	251.46	15%
No. 1301	Dec. 14, 1929	93,980.37	B	221.79	15%
No. 1303	Dec. 14, 1929	50,438.71	B	119.02	15%
No. 563	Dec. 14, 1914	2,062.24	B	5.36	15%
No. 760	Dec. 14, 1919	10,450.57	B	27.16	15%
No. 913	Dec. 14, 1921	18,661.44	B	48.52	15%
No. 949	Dec. 14, 1922	29,087.76	B	75.62	15%
No. 990	Dec. 15, 1924	10,157.57	B	26.39	15%
No. 996	Dec. 14, 1923	116,429.58	B	302.71	15%
No. 1048	Dec. 14, 1924	922.75	B	2.40	15%
No. 1354	May 11, 1932	6,981.30	B	18.14	15%
No. 1378	Dec. 14, 1933	132,984.82	B	345.73	15%
No. 681	Dec. 14, 1917	20,218.58	B	57.29	15%
No. 808	Dec. 14, 1920	18,877.12	B	53.42	15%
No. 812	Dec. 14, 1920	63,508.47	B	179.73	15%
No. 833	Dec. 14, 1920	17,034.35	B	48.21	15%
No. 852	Dec. 14, 1920	14,157.84	B	40.07	15%
No. 853	Dec. 14, 1920	29,201.96	B	82.64	15%
No. 894 "A"	Dec. 14, 1921	10,827.98	B	30.65	15%
No. 894 "B"	Dec. 14, 1921	10,827.98	B	30.65	15%
No. 918	Dec. 14, 1921	29,776.91	B	84.28	15%
		$1,646,015.59		$ 4,050.79	

SECOND SCHEDULE

PART 5

SUNDRY INDEBTEDNESS OF WALKERVILLE

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
PROVINCE OF ONTARIO				
Ontario Housing Act (1919)				
Loans.....	$132,167.64	B	$ 1,670.62	15%

SECOND SCHEDULE

PART 6

WALKERVILLE COLLEGIATE INSTITUTE AND VOCATIONAL SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 1225	Dec. 14, 1927	$ 26,561.14	B	$ 62.65	15%
No. 925	Dec. 14, 1922	101,431.01	B	263.71	15%
No. 1049	Dec. 14, 1924	2,668.84	B	6.94	15%
No. 903	Dec. 14, 1921	401,173.31	B	1,135.33	15%
No. 970	Dec. 14, 1923	6,968.73	B	16.41	15%
No. 976	Dec. 14, 1923	8,144.19	B	19.20	15%
No. 977	Dec. 15, 1923	942.48	B	2.24	15%
No. 1310	Dec. 14, 1930	36,850.07	B	86.97	15%
No. 858	Dec. 14, 1920	5,624.29	B	15.92	15%
No. 887	Dec. 14, 1921	100,270.99	B	283.77	15%
		$690,635.05		$ 1,893.14	

SECOND SCHEDULE

PART 7

WALKERVILLE PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 298	Dec. 15, 1904	$ 2,937.33	BB	$ 6.24	15%
No. 505	Dec. 14, 1913	19,430.96	BB	41.36	15%
No. 533	Dec. 14, 1913	9,715.50	BB	20.64	15%
No. 516	Dec. 14, 1913	6,530.03	BB	15.38	15%
No. 1270	Dec. 14, 1929	229,105.98	BB	540.69	15%
No. 1293	Dec. 14, 1929	41,970.34	BB	99.04	15%
No. 599	Dec. 14, 1914	515.56	BB	1.34	15%
No. 742	Dec. 14, 1919	35,992.73	BB	93.57	15%
		$ 346,198.43		$ 818.26	

SECOND SCHEDULE

PART 8

WINDSOR DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 1353	June 20, 1914	$ 54,274.00	CX	$ 6,577.99	52%
No. 2480	April 1, 1920	190,000.00	CX	27,781.80	52%
No. 3862	Oct. 1, 1928	198,634.38	CX	29,044.30	52%
No. 3887	Oct. 1, 1928	259,088.32	CX	37,883.85	52%
No. 3915	Dec. 1, 1928	54,834.47	CX	7,605.50	52%
No. 4066	Dec. 1, 1930	559,848.09	CX	77,650.92	52%
No. 1538	Mar. 1, 1913	1,528.43	CX	254.59	52%
No. 1539	Mar. 1, 1913	1,528.43	CX	254.59	52%
No. 1638	Nov. 1, 1913	2,632.08	CX	416.45	52%
No. 2136	Jan. 1, 1917	13,896.32	CX	2,082.50	52%
No. 2156	June 1, 1917	1,070.53	CX	191.82	52%
No. 2255	Feb. 1, 1918	18,745.29	CX	3,202.06	52%
No. 3117	Feb. 1, 1924	3,852.84	CX	658.14	52%
No. 3133	Feb. 1, 1924	106,681.53	CX	18,223.33	52%
No. 3290	Sept. 1, 1924	177,802.57	CX	29,616.57	52%
No. 3304	Sept. 1, 1924	104,970.33	CX	17,484.94	52%
No. 3332	Oct. 1, 1924	10,891.82	CX	1,769.48	52%
No. 3377	Dec. 21, 1924	82,319.09	CX	12,347.86	52%
No. 3384	Oct. 1, 1924	16,172.40	CX	2,627.37	52%
No. 3390	Nov. 15, 1925	70,196.08	CX	10,971.62	52%
No. 3391	June 1, 1925	7,053.46	CX	1,087.01	52%
No. 3444	Dec. 1, 1924	99,349.91	CX	15,310.80	52%
No. 3472	Dec. 1, 1925	24,111.93	CX	3,715.85	52%
No. 3505	Dec. 1, 1925	214,108.17	CX	32,996.16	52%
No. 3516	Dec. 1, 1925	35,554.31	CX	5,479.27	52%
No. 3552	Dec. 1, 1925	128,689.10	CX	19,832.26	52%
No. 3646	Dec. 1, 1926	249,867.18	CX	38,506.95	52%
No. 3671	Dec. 30, 1925	12,526.23	CX	1,880.69	52%
No. 2387	June 1, 1919	9,510.93	CY	1,612.28	52%
No. 2439	Dec. 15, 1919	26,503.59	CY	4,436.96	52%
No. 2869	June 1, 1922	126,148.69	CY	21,384.71	52%
No. 2915	June 1, 1922	189,223.04	CY	32,077.07	52%
No. 2970	Nov. 1, 1922	89,687.46	CY	15,609.21	52%
No. 2971	Nov. 1, 1922	27,104.10	CY	4,717.20	52%
No. 3055	April 1, 1923	37,754.48	CY	6,747.10	52%
No. 3088	June 1, 1923	29,015.76	CY	4,918.75	52%
No. 3113	Feb. 1, 1924	43,921.55	CY	8,252.41	52%
No. 3169	Feb. 1, 1924	111,411.48	CY	20,933.10	52%
No. 3199	Feb. 1, 1924	22,361.26	CY	4,201.45	52%
No. 3210	Feb. 1, 1924	11,249.34	CY	2,113.62	52%
No. 3270	Sept. 1, 1924	81,762.08	CY	14,981.25	52%
No. 1834	Dec. 1, 1914	75,000.00	CY	13,869.75	52%
No. 2277	Feb. 1, 1918	25,722.92	CY	5,272.94	52%
No. 2333	Sept. 15, 1918	32,153.63	CY	6,353.22	52%
No. 2338	Oct. 1, 1918	17,148.59	CY	3,343.29	52%
No. 2373	Mar. 1, 1919	22,388.07	CY	4,475.18	52%
No. 2521	Nov. 15, 1920	27,069.89	CY	5,077.24	52%
No. 2523	Mar. 1, 1920	81,209.66	CY	16,232.99	52%
No. 2543	Feb. 1, 1921	74,123.75	CY	15,194.62	52%
No. 2578	Nov. 15, 1920	26,729.69	CY	5,013.41	52%
No. 2584	Nov. 15, 1920	81,209.74	CY	15,231.69	52%
No. 2607	Feb. 1, 1921	7,226.03	CY	1,481.23	52%
No. 2624	Feb. 1, 1921	103,775.45	CY	21,272.92	52%
No. 2636	June 1, 1921	88,950.38	CY	16,449.58	52%
No. 2715	Nov. 1, 1921	17,790.07	CY	3,377.61	52%

SECOND SCHEDULE

PART 8—Continued

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 2749	Sept. 15, 1921	34,580.18	CY	6,832.70	52%
No. 2768	Sept. 15, 1921	88,950.37	CY	17,575.68	52%
No. 2770	Sept. 1, 1921	118,600.51	CY	23,707.04	52%
No. 2790	Mar. 1, 1922	256,674.37	CY	51,306.64	52%
No. 2792	Dec. 1, 1921	9,967.76	CY	1,843.33	52%
No. 2813	Dec. 1, 1921	126,293.55	CY	23,355.46	52%
No. 2865	Mar. 1, 1922	14,758.75	CY	2,950.11	52%
No. 3672	Dec. 1, 1926	29,788.11	CX	4,590.60	52%
No. 3715	Dec. 1, 1926	138,963.58	CX	21,415.67	52%
No. 3719	Dec. 1, 1926	52,900.43	CX	8,152.47	52%
No. 3720	Dec. 1, 1926	150,624.86	CX	23,212.75	52%
No. 3770	Dec. 1, 1926	56,846.21	CX	8,760.56	52%
No. 3771	Dec. 1, 1926	89,195.45	CX	13,745.90	52%
No. 3776	July 15, 1927	44,143.21	CX	6,530.53	52%
No. 3779	Dec. 1, 1927	25,591.12	CX	3,943.82	52%
No. 3838	Dec. 1, 1927	462,860.90	CX	71,331.50	52%
No. 3839	Dec. 1, 1927	11,533.89	CX	1,777.44	52%
No. 3840	Oct. 1, 1928	65,223.81	CX	10,596.26	52%
No. 3844	Dec. 2, 1929	664,292.38	CX	102,374.08	52%
No. 3854	Dec. 1, 1927	56,602.51	CX	8,722.98	52%
No. 3855	Dec. 1, 1927	267,382.87	CX	41,206.34	52%
No. 3902	Dec. 2, 1929	166,084.77	CX	25,595.31	52%
No. 3912	Dec. 1, 1927	17,311.92	CX	2,667.93	52%
No. 3916	Dec. 1, 1928	273,668.69	CX	42,175.08	52%
No. 3970	Dec. 1, 1929	6,000.00	CX	924.66	52%
No. 3973	Nov. 1, 1930	56,107.58	CX	8,877.31	52%
No. 3981	Dec. 1, 1929	109,569.30	CX	16,885.72	52%
No. 3998	Dec. 1, 1930	18,409.91	CX	2,837.12	52%
No. 3999	Dec. 1, 1929	480,976.60	CX	74,123.29	52%
No. 4001	Dec. 1, 1929	82,250.16	CX	12,675.51	52%
No. 4041	Dec. 31, 1929	62,974.37	CX	9,446.11	52%
No. 4058	Dec. 1, 1930	10,382.82	CX	1,600.09	52%
No. 1765	July 1, 1914	7,724.92	CY	1,273.45	52%
No. 1866	Dec. 22, 1914	5,906.28	CY	982.57	52%
No. 1906	April 15, 1915	32,531.89	CY	5,745.12	52%
No. 1944	Aug. 1, 1915	11,288.05	CY	2,120.91	52%
No. 1960	Dec. 15, 1915	14,665.41	CY	2,455.13	52%
No. 2010	Feb. 15, 1916	12,795.29	CY	2,377.23	52%
No. 2066	July 1, 1916	14,665.41	CY	2,417.59	52%
No. 2068	July 1, 1916	11,732.35	CY	1,934.08	52%
No. 2151	June 1, 1917	17,866.69	CY	3,028.76	52%
No. 2167	June 1, 1917	58,520.68	CY	9,920.41	52%
No. 2866 } No. 3193 }	Feb. 1, 1924	87,480.80	CY	17,932.58	52%
No. 2867	Mar. 1, 1922	16,042.16	CY	3,206.66	52%
No. 2914	June 1, 1922	5,943.15	CY	1,099.06	52%
		$8,533,052.94		$1,386,318.99	

SECOND SCHEDULE

PART 9

SUNDRY INDEBTEDNESS OF WINDSOR

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. PROVINCE OF ONTARIO				
Ontario Housing Act (1919) Loan	$383,467.17	CX	$60,823.28	52%
(Note—As security to the above debt the Province holds debentures amounting to $800,000.00, which are to be surrendered and cancelled.)				
2. TOWNSHIP OF SANDWICH WEST				
Debentures assumed:				
By-law No. 560 (1922)	$ 4,980.33	CY	$ 1,146.17	52%
By-law No. 606 (1928)	3,065.49	CY	644.52	52%
By-law No. 746 (1928)	10,236.07	CY	2,200.86	52%
	$401,749.06		$64,814.83	

SECOND SCHEDULE

PART 10

WINDSOR COLLEGIATE INSTITUTE AND VOCATIONAL SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
*No. 1315	June 1, 1909	$ 6,873.56	CX	$ 953.36	52%
No. 1907	April 15, 1915	60,717.48	CX	9,748.18	52%
No. 2046	July 1, 1916	57,952.88	CX	8,684.80	52%
No. 3118	Feb. 1, 1924	43,207.76	CX	7,380.72	52%
No. 3396	June 1, 1925	6,889.83	CX	1,061.79	52%
No. 3914	Dec. 1, 1928	617,252.62	CX	95,124.74	52%
No. 3960	Dec. 1, 1929	85,416.98	CX	13,163.59	52%
No. 4015	Nov. 1, 1930	224,122.95	CX	35,460.73	52%
*No. 1738	May 1, 1914	79,288.96	CY	15,053.80	52%
No. 2326	Mar. 1, 1919	19,028.99	CY	3,803.68	52%
*No. 2463	Mar. 1, 1920	5,648.67	CY	1,034.98	52%
No. 2681	Sept. 15, 1921	29,831.01	CY	5,894.28	52%
No. 2955	June 1, 1922	552,987.09	CY	93,742.34	52%
No. 3114	Feb. 1, 1924	26,971.99	CY	5,067.77	52%
No. 3115	Feb. 1, 1924	3,120.83	CY	586.37	52%
		$1,819,311.60		$296,761.13	

*—The debt represented by the above issues, while originally incurred for public school purposes, is being refunded as if it had been incurred for collegiate institute purposes by reason of the cancellation of debentures purchased for and held in the Sinking Funds of the City of Windsor.

SECOND SCHEDULE

PART 11

WINDSOR PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 1120	June 1, 1904	$ 6,897.97	CCX	$ 956.75	52%
No. 1470	May 1, 1912	33,761.33	CCX	4,807.61	52%
No. 4042	Dec. 29, 1930	16,994.49	CCX	2,357.13	52%
No. 3174	Feb. 1, 1924	18,135.85	CCX	3,097.94	52%
No. 3206 / No. 3289	Sept. 1, 1924	179,426.42	CCX	29,887.10	52%
No. 3395	June 1, 1925	5,806.40	CCX	894.82	52%
No. 3490	Dec. 1, 1925	58,345.41	CCX	8,991.52	52%
No. 3491	Dec. 1, 1925	42,686.10	CCX	6,578.31	52%
No. 3591	Dec. 1, 1926	343,811.74	CCX	52,984.75	52%
No. 3959	Dec. 1, 1929	6,000.00	CCX	924.66	52%
No. 4006	Nov. 1, 1930	374,050.57	CCX	59,182.27	52%
No. 2245	Feb. 1, 1918	23,163.42	CCY	4,352.16	52%
No. 2416	Dec. 15, 1919	4,770.60	CCY	798.64	52%
No. 2424	Dec. 15, 1919	34,454.68	CCY	5,768.06	52%
No. 2453	Dec. 15, 1919	7,951.08	CCY	1,331.09	52%
No. 2464	Mar. 1, 1920	270,826.70	CCY	49,623.53	52%
No. 2512	Feb. 1, 1921	87,853.60	CCY	16,506.80	52%
No. 2988	April 1, 1923	388,517.35	CCY	69,431.90	52%
No. 1598	July 1, 1913	38,750.00	CCY	6,968.41	52%
No. 2634	June 1, 1921	385,233.35	CCY	71,241.19	52%
No. 2743	Sept. 15, 1921	83,932.97	CCY	16,584.27	52%
		$2,411,370.03		$413,268.91	
School debentures of the Township of Sandwich West Assumed:—					
No. 532	1922	4,039.78	CCY	895.82	52%
No. 552	1922	2,195.77	CCY	477.84	52%
		$2,417,605.58		$414,642.57	

SECOND SCHEDULE

PART 12

SANDWICH DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 440	Mar. 25, 1912	$ 378.51	DX	$ 90.27	*12%
No. 441	Mar. 25, 1912	718.01	DX	171.24	*12%
No. 458	Nov. 20, 1912	955.13	DX	196.39	*12%
No. 460	Feb. 1, 1913	534.95	DX	104.65	*12%
No. 468	Oct. 1, 1913	746.02	DX	158.50	*12%
No. 470	Oct. 1, 1913	1,044.43	DX	221.89	*12%
No. 1572	Dec. 1, 1926	7,790.18	DX	1,590.04	*12%
No. 1577	Dec. 1, 1926	87,881.12	DX	17,937.35	*12%
No. 1581	April 1, 1927	1,269.14	DX	301.44	*12%
No. 1657	Dec. 1, 1928	2,266.02	DX	462.52	*12%
No. 507	Sept. 1, 1914	1,128.81	DY	268.91	*12%
No. 1339	Dec. 15, 1924	25,176.06	DY	5,599.40	*12%
No. 1414	Nov. 1, 1925	56,223.35	DY	12,877.39	*12%
No. 1415	Nov. 1, 1925	28,217.51	DY	6,462.94	*12%
No. 1450	April 3, 1926	22,678.34	DY	5,918.81	*12%
No. 1461	April 3, 1926	20,117.17	DY	5,250.36	*12%
No. 1462	April 3, 1926	4,679.54	DY	1,221.31	*12%
No. 1464	April 3, 1926	5,449.91	DY	1,422.37	*12%
No. 1620	Sept. 14, 1927	31,618.05	DY	7,470.41	*12%
No. 1635	Oct. 1, 1928	4,311.07	DY	1,007.54	*12%
No. 1664	Dec. 1, 1927	40,067.06	DY	8,995.84	*12%
No. 1671	Dec. 15, 1928	10,662.72	DY	2,371.51	*12%
No. 1672	Dec. 1, 1927	47,417.77	DY	10,646.24	*12%
No. 1686	Feb. 1, 1928	300,557.90	DY	64,674.03	*12%
No. 1687	Feb. 1, 1928	126,674.03	DY	27,257.71	*12%
No. 1689	Dec. 1, 1927	36,280.07	DY	8,145.59	*12%
No. 1704	July 1, 1928	59,218.91	DY	14,660.87	*12%
No. 1705	Dec. 15, 1928	4,651.85	DY	1,034.61	*12%
No. 1711	Dec. 1, 1927	39,607.77	DY	8,892.72	*12%
No. 1837	Dec. 15, 1928	78,075.64	DY	17,364.83	*12%
No. 1848	Dec. 15, 1928	20,847.14	DY	4,636.62	*12%
No. 1859	Dec. 15, 1928	7,764.33	DY	1,726.84	*12%
No. 1887	Dec. 15, 1928	23,123.68	DY	5,142.94	*12%
No. 1923	Jan. 1, 1930	3,361.57	DY	739.02	*12%
No. 1927	June 1, 1929	30,300.63	DY	6,803.08	*12%
No. 1934	Dec. 16, 1929	6,167.20	DY	1,370.72	*12%
No. 1981	Dec. 1, 1929	9,990.12	DY	2,242.99	*12%
No. 1988	Dec. 16, 1929	27,192.76	DY	6,043.84	*12%
No. 2002	Dec. 16, 1929	235,647.70	DY	52,375.04	*12%
No. 2040	June 15, 1930	12,395.10	DY	2,756.79	*12%
No. 2042	June 1, 1929	17,084.58	DY	3,835.82	*12%
No. 2043	June 1, 1929	26,437.71	DY	5,935.79	*12%
No. 2052	Dec. 15, 1930	13,373.82	DY	2,974.46	*12%
No. 2059	Dec. 15, 1930	22,340.34	DY	4,968.72	*12%
No. 2105	Dec. 15, 1930	39,339.16	DY	8,749.41	*12%
No. 2107	Dec. 15, 1930	3,459.99	DY	769.52	*12%
No. 2108	June 15, 1930	21,530.00	DY	4,788.47	*12%
No. 2109	Dec. 15, 1930	20,288.19	DY	4,512.30	*12%
No. 1831	Dec. 15, 1929	37,939.50	DY	8,815.60	*12%
No. 537	Feb. 1, 1915	2,070.76	DY	486.10	*12%
No. 600	Mar. 14, 1916	4,399.47	DY	1,267.05	*12%
No. 664	Mar. 1, 1917	863.87	DY	241.97	*12%
No. 682	May 1, 1917	1,491.81	DY	417.86	*12%
No. 693	May 1, 1917	421.83	DY	118.16	*12%
No. 742	Mar. 1, 1918	818.46	DY	237.46	*12%

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 12—Continued

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 744	Mar. 1, 1918	14,277.28	DY	4,142.41	*12%
No. 757	May 1, 1917	2,027.39	DY	567.89	*12%
No. 761	Mar. 1, 1918	683.27	DY	198.25	*12%
No. 765	May 1, 1918	20,392.05	DY	5,711.99	*12%
No. 833	Dec. 15, 1919	28,324.56	DY	6,872.36	*12%
No. 871	May 1, 1920	20,455.68	DY	5,729.83	*12%
No. 1008	Feb. 1, 1921	11,860.05	DY	2,784.02	*12%
No. 970	Mar. 15, 1921	63,802.06	DY	18,364.15	*12%
No. 974	Mar. 15, 1921	26,637.51	DY	7,667.06	*12%
No. 1037	Dec. 1, 1921	66,761.36	DY	16,351.85	*12%
No. 1080	Nov. 1, 1922	759.59	DY	189.79	*12%
No. 1083	Nov. 1, 1922	3,133.61	DY	782.96	*12%
No. 1102	Nov. 1, 1922	28,716.31	DY	7,175.05	*12%
No. 1128	Nov. 1, 1922	17,832.90	DY	4,455.73	*12%
No. 1136	May 1, 1923	13,052.95	DY	3,656.15	*12%
No. 1215	Dec. 14, 1923	62,548.80	DY	15,186.19	*12%
No. 1218	Dec. 3, 1923	5,288.33	DY	1,293.52	*12%
No. 1235	Dec. 15, 1923	35,767.12	DY	8,678.17	*12%
No. 1256	Feb. 15, 1924	32,246.55	DY	7,495.38	*12%
No. 1263	Feb. 15, 1924	13,243.41	DY	3,078.30	*12%
No. 1270	June 1, 1924	8,531.05	DY	2,346.11	*12%
No. 1321	Nov. 1, 1925	50,974.38	DY	12,736.45	*12%
No. 1335	Mar. 1, 1925	18,511.18	DY	5,370.82	*12%
No. 1337	Mar. 1, 1925	5,860.90	DY	1,700.47	*12%
No. 1342	Mar. 1, 1925	2,371.85	DY	688.17	*12%
No. 1343	Mar. 1, 1925	9,140.66	DY	2,652.07	*12%
No. 1352	Mar. 1, 1925	42,229.47	DY	12,252.45	*12%
No. 1463	April 3, 1926	6,763.10	DY	1,925.52	*12%
		$2,247,240.13		$524,787.36	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE
PART 13
SUNDRY INDEBTEDNESS OF SANDWICH

Creditor	Column No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. PROVINCE OF ONTARIO				
Ontario Housing Act (1919 Loan.....	$ 45,783.12	DX	$ 10,767.22	*12%
Note—As security to the above debt the Province holds debentures amounting to $108,000.00, which are to be surrendered and cancelled.				
2. TOWNSHIP OF SANDWICH WEST				
Debentures issued under the following By-laws:				
(a) By-law No. 560.....	418.07	DY	121.30	*12%
(b) By-law No. 687.....	8,664.03	DY	2,526.60	*12%
(c) By-law No. 747.....	15,657.13	DY	4,305.87	*12%
3. IMPERIAL BANK OF CANADA				
‡Current Account.....	209,065.91	DX	36,098.63	*12%
‡Capital Account.....	131,471.52	DX	19,572.16	*12%
‡—Note—The Imperial Bank of Canada by letter dated January 4th, 1936, claimed to exercise an alleged right to set off against the above mentioned indebtedness certain balances totalling $298,389.64 and stated to be at the credit of the Town of Sandwich, including a Debenture Redemption Trust Account. The said balances were the property of the New City subject to the rights of Sandwich debenture holders in respect of a certain portion thereof. Legal proceedings have been commenced against the Bank for the recovery of the said balances.				
4. WINDSOR UTILITIES COMMISSION				
As Successor to Sandwich Hydro-Electric Commission				
April 7th, 1932, Sandwich Street Widening.....	2,633.40	DX	491.69	*12%
	$413,693.18		$ 73,883.47	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE
PART 14
SANDWICH HIGH SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
(x) No. 1494	Dec. 1, 1925	$ 10,134.62	DY	$ 2,275.42	*12%
(y) No. 1640	July 1, 1927	3,298.21	DY	816.54	*12%
(z) No. 2070	Dec. 15, 1930	885.59	DY	196.96	*12%
No. 1073	Nov. 1, 1922	16,846.54	DY	4,209.27	*12%
No. 1107	Nov. 1, 1922	182,934.13	DY	45,707.92	*12%
No. 1217	Dec. 15, 1923	15,519.01	DY	3,765.37	*12%
		$229,618.10		$ 56,971.48	

(x) Debentures Nos. 40-41 and 42-52 both inclusive only.
(y) Debentures Nos. 172-175 inclusive only.
(z) Debentures Nos. 8 and 18 only.
Note: The above Debenture Issues were originally issued for public school purposes in connection with the General Byng School, but are being refunded as High School Debenture Issues pursuant to the provisions of The City of Windsor (Amalgamation) Amendment Act, 1936.

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 15

SANDWICH PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
‡No. 1494	Dec. 1, 1925	$ 54,061.80	DDY	$ 12,137.96	*12%
‡No. 1640	July 1, 1927	145,700.21	DDY	36,071.02	*12%
No. 1767	Dec. 16, 1929	24,290.75	DDY	5,398.84	*12%
No. 1914	Jan. 1, 1930	171,006.86	DDY	37,595.76	*12%
‡No. 2070	Dec. 15, 1930	12,114.41	DDY	2,694.36	*12%
No. 519 No. 505	Nov. 1, 1914	37,302.00	DDY	9,320.26	*12%
No. 771	Sept. 1, 1918	3,650.22	DDY	948.66	*12%
No. 830	Oct. 1, 1919	55,062.97	DDY	14,038.83	*12%
No. 975	Mar. 15, 1921	4,026.71	DDY	1,158.98	*12%
No. 1022	Dec. 1, 1921	17,325.52	DDY	4,243.52	*12%
		$524,541.45		$123,608.19	

*—See Article VI for conditions under which this may become payable.
‡—Other than the Debentures included in Part 14.

SECOND SCHEDULE

PART 16

THE WALKERVILLE-EAST WINDSOR WATER COMMISSION DEBENTURE ISSUES IN RESPECT OF WHICH EAST WINDSOR AND WALKERVILLE WERE EQUALLY LIABLE

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Column No. 2 New Debenture Series
No. 7	Dec. 12, 1930	$ 61,286.93	AX B
No. 3	June 30, 1930	692,213.17	AY B
		$753,500.10	

Note—Interest on these debentures has been paid in full to December 31, 1935.

SECOND SCHEDULE

PART 17

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE DEBENTURE DEBT OF THE ESSEX BORDER UTILITIES COMMISSION

Column No. 1		Col. No. 2 Refunding Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
East Windsor	$224,212.39	AY	$50,997.53	50%
Walkerville	188,742.93	B	42,150.05	15%
Windsor	819,389.80	CY	181,212.83	52%
Sandwich	189,104.24	DY	42,087.52	12%*
	$1,421,449.36		$316,447.93	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 18

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE CAPITAL LIABILITY OF SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY

Column No. 1		Col. No. 2 New Debenture Series
EAST WINDSOR		
Capital Liability	$ 463,724.00	AX
	22,000.00	AY

Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of East Windsor amounting to $429,538.00, issued under the authority of By-laws Nos. 175, 258, 406, 407, 655, 656, 714 and 717, which debentures are to be surrendered and cancelled.

WALKERVILLE

Capital Liability ..... $ 780,943.00 B

Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Walkerville amounting to $759,593.00, issued under the authority of By-laws Nos. 777, 871, 952, 959, 1095, 1099, 1126 and 1153, which debentures are to be surrendered and cancelled.

WINDSOR

Capital Liability	$2,258,597.00	CX
	457,500.00	CY

Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Windsor amounting to $2,705,772.00, issued under the authority of By-laws Nos. 2468, 2713, 3067, 3068, 3069, 3446, 3453, 3555 and 3572, which debentures are to be surrendered and cancelled.

SANDWICH

Capital Liability	$ 614,607.00	DX
	133,000.00	DY

Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Sandwich amounting to $747,607.00, issued under the authority of By-laws Nos. 847, 983, 1143, 1144, 1377, 1378, 1449 and 1481, which debentures are to be surrendered and cancelled.

SECOND SCHEDULE

PART 19

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE OPERATING DEFICITS OF, AND THE BONDS DATED JUNE 1st, 1933, ISSUED BY, SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY

Column No. 1 Operating Deficits	Col. No. 2 New Debenture Series	Column No. 3 Interest accrued to Dec. 31st, 1935, on the operating deficits and on the capital liability of the said Railway set out in Part 18 of this Schedule 2 which interest was paid by the issue of bonds dated June 1st, 1933.	Col. No. 4 Percentage in full
EAST WINDSOR.... $ 37,063.03	AY	$ 109,567.39	50%
WALKERVILLE..... 59,589.59	B	176,165.54	15%
WINDSOR..... 207,250.79	CY	612,702.03	52%
SANDWICH..... 57,045.89	DY	168,647.46	12%*
$360,949.30		$1,067,082.42	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 20

INDEBTEDNESS OF WINDSOR IN RESPECT OF THE BOND ISSUE OF THE WINDSOR, ESSEX AND LAKE SHORE ELECTRIC RAILWAY ASSOCIATION

Column No. 1	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
Share of original bond issue.....$322,260.00	CY	$ 85,395.68	52%

Note—As security to the original bond issue of the Railway there are on deposit debentures of Windsor amounting to $354,488.00, issued under authority of By-law No. 3928, which are to be surrendered and cancelled.

SECOND SCHEDULE

PART 21

INDEBTEDNESS OF WINDSOR IN RESPECT OF THE DEBENTURE AND OTHER DEBT OF WINDSOR, ESSEX AND LAKE SHORE ELECTRIC RAILWAY ASSOCIATION

Column No. 1		Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. Amount of debenture and other debt for which new debentures are to be issued forthwith.....	$ 90,232.80	CY	$ 19,417.85	52%
2. Amount of debenture and other debt for which new debentures will not be issued forthwith....	209,767.20	CY	.....	....

SECOND SCHEDULE

PART 22

INDEBTEDNESS OF WALKERVILLE AND WINDSOR TO THE CANADIAN BANK OF COMMERCE

Bank	Col. No. 1 Debt	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. Capital Account (Walkerville).$	271,900.00	B	$ 148.99	15%
2. Current Account (Windsor)..	1,112,960.58	CX	.....	....
3. Capital Account (Windsor)...	669,736.24	CX	103,252.22	52%

Note (1) The debt on current account of Windsor to The Canadian Bank of Commerce is the amount arrived at after deducting the balance as of December 31/35 in the tax arrears account, namely, $6,457.55, and also the sum of $300,000.00 which is to be paid to the Bank by the City forthwith on the approval of this Plan on account of loans and advances made by the Bank to the Supervisors of Windsor, the balance owing on such loans and advances to the Supervisors being included in the balance of the current account.

Note (2) As collateral security to the Windsor loans there were hypothecated with the Bank prior to December 31st, 1935, debentures totalling $529,811.33 which are to be surrendered and cancelled.

THIRD SCHEDULE

UNPRESENTED COUPONS

Being interest coupons on debentures of the Amalgamated Municipalities which accrued due prior to default in payment of interest in respect of such debentures, and which coupons were not presented for payment prior to such default.

EAST WINDSOR

By-law No.	Debenture No.	Coupon No.	Amount
No. 103	14	14	44.44
No. 218	28	21	6.81
No. 222	59	21	8.23
No. 243-4	16	8	18.62
No. 297	101	17	30.00
	102	17	30.00
	177	17	30.00
No. 508	10	15	35.40
No. 536	71	8	30.00
	73	15	30.00
	80	15	30.00
	24	15	30.00
No. 537	28	15	30.00
No. 538	133	14	30.00
	139	15	30.00
	157	15	30.00
No. 627	114	13	13.75
No. 626	156	10	2.75
	134	13	13.75
No. 707	105	10	15.23
	105	11	15.23
	125	9	25.00
	125	11	25.00
	137	11	25.00
	138	11	25.00
	139	11	25.00
No. 708	124	11	25.00
	142	11	10.59
	154	11	25.00
	155	11	25.00
	156	11	25.00
	157	11	25.00
	158	11	25.00
No. 723	68	10	18.33
No. 750	B 17	7	12.50
	B 17	8	12.50
	B 17	9	12.50
	B 68	9	12.50
No. 757	111	9	26.53
	214	7	25.00
	214	9	25.00
	223	9	12.50
	223	8	12.50
	244	9	12.50
	245	9	12.50
	246	9	12.50
	271	9	12.50
	272	9	12.50
	273	9	12.50
	274	9	12.50
	275	9	12.50
	276	9	12.50
	277	9	12.50

THIRD SCHEDULE

EAST WINDSOR—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	278	9	12.50
	279	9	12.50
	280	9	12.50
	281	9	12.50
	282	9	12.50
No. 757	283	9	12.50
	284	9	12.50
	285	9	12.50
	286	9	12.50
	287	9	12.50
No. 758	39	9	25.00
	47	9	25.00
No. 823	7	7	12.50
No. 829	6	7	22.66
No. 845	51	7	25.00
	52	7	25.00
	60	7	25.00
	65	7	12.50
	141	7	25.00
No. 888	185	4	25.00
	185	5	25.00
	186	5	25.00
	187	5	25.00
	188	5	25.00
	189	5	25.00
No. 945	132	2	27.50
	132	3	27.50
	172	3	27.50
	182	3	13.75
No. 987	19	1	27.50
	26	1	27.50
No. 988	8	1	27.50
No. 91	35	15	45.95
No. 91	38	15	55.90
	42	15	6.46
	46	15	17.65
	50	15	29.50
	54	15	42.08
No. 349	42	18	30.00
	81	18	13.62
No. 409	17	16	21.36
	21	16	27.70
No. 410	14	16	8.08
	16	16	10.37
No. 518	222	16	30.39
	151	11	30.00
No. 660	A 16	12	2.50
	A 18	11	2.50
	A 19	11	2.50
	A 20	11	2.50
	A 13	12	2.50
No. 685	6	11	12.50
	7	11	12.50
	8	11	12.50
No. 724	18	9	25.00
	18	10	25.00
	19	9	25.00
	19	10	25.00
	20	9	25.00
	20	10	25.00
	21	9	25.00

THIRD SCHEDULE

EAST WINDSOR—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	21	10	25.00
	49	10	25.00
	51	10	25.00
	52	10	25.00
	53	10	25.00
	97	10	25.00
	99	10	25.00
	100	10	25.00
No. 724	126	10	25.00
	127	10	25.00
	180	8	25.00
	180	9	25.00
	180	10	25.00
	181	10	25.00
No. 659	B 20	12	12.50
	B 22	12	12.50
	B 23	12	12.50
	B 24	12	12.50
	B104	12	12.50
	B128	10	12.50
No. 753	13	5	25.00
No. 586	44	7	13.75
No. 405	11	14	27.50
	22	16	15.89
No. 821	41	7	13.69
			$2,850.96

THIRD SCHEDULE

UNPRESENTED COUPONS

being interest coupons on debentures of the Amalgamated Municipalities which accrued due prior to default in payment of interest in respect of such debentures, and which coupons were not presented for payment prior to such default.

WALKERVILLE

By-law No.	Debenture No.	Coupon No.	Amount
		1932	
No. 979	32	9	$50.00
No. 1155	54	7	25.00
		1933	
No. 1155	54	8	25.00
No. 1261	214	5	50.00
		1934	
No. 812	358	27	30.00
No. 925	76	12	55.00
	77	12	55.00
	78	12	55.00
	79	12	55.00
	80	12	55.00
	88	12	55.00
	89	12	55.00
	90	12	55.00
	91	12	55.00
	92	12	55.00
	94	12	55.00
	95	12	55.00
	96	12	55.00
	97	12	55.00
	98	12	55.00
	99	12	55.00
	101	12	55.00
	102	12	55.00
	103	12	55.00
	104	12	55.00
	105	12	55.00
	106	12	55.00
	111	12	55.00
	112	12	55.00
	113	12	55.00
No. 996	195	11	55.00
No. 1137	196	9	50.00
No. 1137	197	9	50.00
No. 1137	198	9	50.00
No. 1155	54	9	25.00
No. 1206	18	8	25.00
No. 1261	214	6	50.00
		1935	
No. 298		Interest included in face value of Debenture No. 30	132.24
No. 501	138	Interest on past-due Debentures (1934)	13.65
No. 563	366	" " " "	50.00
	367	" " " "	63.42
No. 808	89	" " " "	60.00
	90	" " " "	60.00
No. 812	331	" " " "	60.00
	332	" " " "	60.00

THIRD SCHEDULE

WALKERVILLE—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	333	" " " "	60.00
	334	" " " "	60.00
	335	" " " "	60.00
	336	" " " "	60.00
	337	Interest on past-due Debentures (1934)	60.00
	338	" " " "	60.00
No. 812	340	" " " "	60.00
	341	" " " "	60.00
	342	" " " "	60.00
	343	" " " "	60.00
	344	" " " "	60.00
	345	" " " "	60.00
	346	" " " "	60.00
	347	" " " "	60.00
	348	" " " "	60.00
	349	" " " "	60.00
	350	" " " "	60.00
	351	" " " "	60.00
	352	" " " "	60.00
	353	" " " "	60.00
	354	" " " "	60.00
	355	" " " "	60.00
	356	" " " "	60.00
	357	" " " "	60.00
	358	" " " "	60.00
	359	" " " "	60.00
	360	" " " "	60.00
	361	" " " "	39.28
No. 852	68	" " " "	60.00
	69	" " " "	60.00
	70	" " " "	60.00
No. 887	85	Coupon 14	60.00
	86	14	60.00
	87	14	60.00
No. 894B	50	28	16.56
No. 903	128	14	60.00
No. 918	32	Interest on past-due Debentures (1934)	60.00
No. 925	76	Coupon 13	55.00
	77	13	55.00
	78	13	55.00
	79	13	55.00
	80	13	55.00
	88	13	55.00
	89	13	55.00
	90	13	55.00
	91	13	55.00
	92	13	55.00
	94	13	55.00
	95	13	55.00
	96	13	55.00
	97	13	55.00
	98	13	55.00
	99	13	55.00
	101	13	55.00
	102	13	55.00
	103	13	55.00
	104	13	55.00
	105	13	55.00
	106	13	55.00
	111	13	55.00
	112	13	55.00
	113	13	55.00
No. 949	27	13	55.00
	38	13	55.00

THIRD SCHEDULE—Continued

UNPRESENTED COUPONS

By-law No.	Debenture No.	Coupon No.	Amount
No. 949	39	13	55.00
	42	13	55.00
	43	13	55.00
	44	13	55.00
	46	13	55.00
	47	13	55.00
	48	13	55.00
	50	13	55.00
	51	13	55.00
No. 976	18	Interest on past-due Debentures (1934)	23.70
No. 979	19	" " " "	23.89
	195	Coupon 12	55.00
No. 1086	242	Interest on past-due Debentures (1934)	50.00
No. 1094	168	Coupon 11	50.00
	124	Interest on past-due Debentures (1934)	10.01
No. 1114	17	" " " "	25.00
No. 1131	13	" " " "	50.00
No. 1137	196	Coupon 10	50.00
	197	10	50.00
	198	10	50.00
	128	Interest on past-due Debentures (1934)	50.00
	129	" " " "	50.00
	130	" " " "	50.00
	131	" " " "	50.00
No. 1155	54	Coupon 10	25.00
No. 1196	99	9	50.00
	100	9	25.00
	126	9	50.00
	127	9	50.00
	128	9	50.00
	129	9	50.00
No. 1206	12	9	25.00
	18	9	25.00
No. 1259	41	7	50.00
	50	7	50.00
	55	7	50.00
	56	7	50.00
	57	7	50.00
No. 1261	172	7	50.00
	173	7	50.00
	214	7	50.00
	111	Interest on past-due Debentures (1934)	50.00
	112	" " " "	50.00
	113	" " " "	50.00
	114	" " " "	50.00
	115	" " " "	50.00
	116	" " " "	50.00
	117	" " " "	50.00
	118	" " " "	50.00
	119	" " " "	50.00
	120	" " " "	50.00
	121	" " " "	50.00
	122	" " " "	50.00
	123	" " " "	50.00
	124	" " " "	50.00
	125	" " " "	50.00
	126	" " " "	50.00
	127	" " " "	50.00
	128	" " " "	50.00
	130	" " " "	6.98
No. 1262	21	" " " "	50.00
	23	" " " "	50.00

THIRD SCHEDULE

WALKERVILLE—Continued

By-law No.	Debenture No.	Coupon No.	Amount
No. 1293	26	Coupon 11	13.71
	26	12	13.71
	51	12	25.00
	52	12	25.00
No. 1310	47	9	25.00
	47	10	25.00
No. 1378	24	4	5.90
	100	4	27.50
			$9,050.55

THIRD SCHEDULE

UNPRESENTED COUPONS

WINDSOR

By-law No.	Debenture No.	Coupon No.	Amount
No. 2584	102	10	$6.58
	102	24	6.58
No. 2768	65	6	30.00
No. 2915	193	21	27.50
	305	21	5.68
	241	21	27.50
No. 3646	81	3	25.00
No. 2634	103	23	30.00
No. 1598	25	39	30.00
No. 1738	54	37	30.00
No. 2046	92	33	25.00
No. 3914	58	8	12.50
	453	7	25.00
	453	8	25.00
	454	7	12.50
	454	8	12.50
	521	8	13.21
No. 2955	94	17	27.50
	112	17	27.50
No. 2813	75	22	30.00
No. 3505	98	14	25.00
	206	14	12.50
No. 3771	146	3	17.16
No. 3855	174	8	25.00
	175	8	25.00
	251	8	9.04
	191	7	25.00
No. 3981	66	6	16.79
No. 2792	21	7	12.31
No. 3854	22	10	25.00
	28	10	12.50
No. 4041	71	6	25.00
No. 2869	137	21	27.50
No. 2715	37	21	14.03
	37	22	14.03
No. 2865	12	21	3.59
No. 3720	59	12	12.50
	85	12	25.00
	86	12	25.00
No. 3844	359	6	25.00
	360	6	25.00
	361	6	25.00
	363	6	25.00
No. 3902	85	6	2.84
No. 3776	20	11	25.00
	21	11	25.00
	63	11	12.50
	68	11	12.50
No. 3516	46	7	12.50
No. 2136	38	32	16.02
No. 3174	15	9	7.97
No. 1598	21	25	30.00
No. 2903	250	9	30.00
No. 2915	47	5	27.50
	81	1	27.50
			$1,110.83

THIRD SCHEDULE

UNPRESENTED COUPONS

SANDWICH

By-law No.	Debenture No.	Coupon No.	Amount
No. 975	10	10	$ 9.79
No. 1102	54	7	60.00
No. 1263	42	7	63.90
No. 1215	28	8	60.00
	50	8	40.85
	63	8	60.00
	81	8	60.00
	82	8	60.00
	83	8	60.00
	84	8	60.00
No. 1343	6	6	24.62
No. 1577	128	5	50.00
No. 1640	32	4	19.70
No. 1172	58	4	55.00
No. 1687	45	4	29.53
	54	4	27.50
No. 1686	110	3	55.00
No. 1848	7	3	7.49
	11	3	11.44
No. 1859	11	4	40.38
No. 1887	36	3	19.63
No. 1914	30	4	14.70
	31	4	27.50
	44	3	27.50
	44	4	27.50
No. 1988	12	4	27.50
	12	2	27.50
	12	3	27.50
	13	4	13.75
	13	2	13.75
	13	3	13.75
	23	2	15.13
		3	15.13
	14	3	6.77
No. 2002	84	3	3.62
		4	3.62
No. 1923	3	4	9.51
	8	4	12.43
No. 1927	35	4	15.77
			$1,177.76

SCHEDULE B

BY-LAW NO. 113

A By-law to Authorize the Issue of Refunding Debentures.

Passed the 25th day of June, 1937.

WHEREAS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, The Department of Municipal Affairs Act, 1935, and The Ontario Municipal Board Act, 1932, and amendments to the said Acts, The Ontario Municipal Board did pursuant to the powers vested in it, by an Order dated as of the 14th day of April, 1937, approve of a Plan for the Funding and Refunding of the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich and did by such Order direct (a) the issue of new debentures of the new City of Windsor in substitution and exchange for, and the retirement and cancellation of, the outstanding debentures of the said former Municipalities, and the variation in, and payment and satisfaction of, the whole of the other indebtedness of the said former Municipalities; and (b) the creation and setting aside of a sinking fund and of special funds and reserves for meeting, paying and discharging the said debenture debts and other indebtedness; and (c) the ratification and confirmation of the agreement, arrangement or compromise entered into by the new City of Windsor with the creditors of the said former Municipalities as contained in the said Order; and (d) that this By-law make provision for the liability of the former Corporation of the City of Windsor in respect of that amount of the debenture and other debt of the Windsor, Essex and Lake Shore Electric Railway Association set out as item 2 in column numbered 1 of Part 21 of the Second Schedule to the Plan hereinafter referred to.

AND WHEREAS it is therefore expedient and necessary to pass a by-law giving effect to the said Order and authorizing and directing the issue of the said new debentures;

THEREFORE the Municipal Council of the Corporation of The City of Windsor enacts as follows:

1. That for the purposes set out as (a), (b) and (c) aforesaid General Debentures in the sum of $30,449,974.87 and Public School debentures in the sum of $4,180,562.32 shall be issued by the Corporation, which said debentures shall be executed and issued in such manner and to such persons, in such denominations and series and shall bear such interest and be payable at such time as is provided in the said Order of the Board, a copy of which Order is hereto annexed as Schedule "A" and forms part of this By-law.

2. That for the purposes set out as (d) aforesaid the Corporation shall create General debentures of Series CY in a principal amount not exceeding $209,767.20, as referred to and in accordance with the provisions of Section 1 (a) and 8 (g) of Article III of the said Plan.

3. The debentures created pursuant to Section 2 aforesaid shall be issued to the Transfer Agent referred to in the said Plan only at such time and in such amounts and shall be dealt with and delivered by the said Transfer Agent as The Ontario Municipal Board or its successors from time to time may, from time to time, order. No levy shall be made for the said debentures or any of them, either for interest or principal, except pursuant to an order of The Ontario Municipal Board or its successors from time to time.

4. For the purpose of paying, satisfying and retiring the said new debentures a sinking fund shall be created and maintained by the Corporation and the Board of Trustees, as set forth in the said Order (Schedule "A") and the Corporation shall, in accordance with the said Order, make the sinking fund payments therein set forth, provided that when the sums so paid into the sinking fund in any year are less than the sum of $160,000.00 then 88% of the difference between the sums so paid and $160,000.00 shall be levied for and collected as a part of the general taxes of the Corporation in the following year and 12% of the said difference shall be levied for and collected as a part of the taxes chargeable to Public School supporters in the following year and both sums shall be paid into the said sinking fund during such following year, except that so long as the average yearly amount paid into the sinking fund subsequent to December 31st, 1935, is in excess of $160,000.00 no additional levies shall be required.

5. The Board of Trustees shall be those duly appointed pursuant to the said Order and they shall have the duties and powers therein provided, including the supervision of the said sinking fund.

6. Cyril Cooper is hereby appointed to be the trustee representing The Corporation of the City of Windsor and he shall hold office as such for the term provided in the said Order.

7. This by-law shall come into force on the day upon which it is finally passed.

E. S. WIGLE,
Mayor.
C. V. WATERS,
Clerk.

APPROVED: Department of Municipal Affairs.
THOMAS GRAY,
Supervisor.
July 6, 1937.

First Reading, June 25, 1937.
Second Reading, June 25, 1937.
Third Reading, June 25, 1937.

I hereby certify the foregoing to be a true copy.

C. V. WATERS,
City Clerk.

NOTE.—The Order of the Ontario Municipal Board, a copy of which is mentioned in Clause 1 of the foregoing By-law No. 113 as being annexed to the said By-law as Schedule "A" thereto is hereinafter set out as Schedule C to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said Order is accordingly not included herein as a Schedule to the foregoing By-law No. 113.

SCHEDULE C

ONTARIO

THE ONTARIO MUNICIPAL BOARD

BEFORE: E. W. CROSS, Esq., M.A., Chairman, and W. M. BRODIE, Esq., Vice-Chairman. } Wednesday, the 14th day of April, 1937.

IN THE MATTER OF The City of Windsor (Amalgamation) Act, 1935.

AND IN THE MATTER OF a Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich.

ORDER

WHEREAS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, a Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, was presented to the Board.

AND WHEREAS for the purpose of effecting the amalgamation provided for by the said Act and of fully effectuating and carrying into effect the provisions thereof and of the functioning of the New City of Windsor, the approval of such a Plan is essential:

AND WHEREAS on the 22nd, 23rd, 24th, 29th and 30th days of the month of September, 1936, and on the 1st, 6th, 7th, 8th, 9th, 20th and 21st days of the month of October, 1936, the Board heard the evidence adduced on behalf of the Fiscal Agent for The Corporation of the City of Windsor, the said City, the Board of Education of the said City, The Windsor Utilities Commission, the Debenture Holders' Protective Committees of the four aforesaid former Municipalities, The Canadian Bank of Commerce, Bank of Montreal, W. D. McKinnon, The Hydro Electric Power Commission of Ontario and upon hearing counsel for the aforesaid parties and for the Department of Municipal Affairs for the Province of Ontario, Imperial Bank of Canada, O. L. Bickford, Workmen's Compensation Board, Guaranty Trust Company of Canada, and the Board having rendered its decision on the 21st day of December, 1936, and an agreement having been reached between the said City and the majority of the creditors represented on the hearing in accordance with the terms and provisions set forth in the Plan hereinafter referred to, the Board did this day vary and amend its said order accordingly.

1. THE BOARD ORDERS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, The Ontario Municipal Board Act, 1932, The Department of Municipal Affairs Act, 1935, and Amendments to the said Acts, and all other authority thereunto enabling, that the Plan for Funding and Refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, a copy of which is attached hereto and forms Schedule A to and is a part of this Order, be and the same is hereby authorized, approved, ratified and confirmed.

2. THE BOARD FURTHER ORDERS for the purpose of giving effect to the aforesaid Plan that—

(a) The By-law, a copy of which is attached hereto and made Schedule B and part of this Order, be forthwith passed by the Municipal Council of the Corporation of the City of Windsor, and

(b) The Mayor and Treasurer of the Corporation of the City of Windsor on behalf of the said Corporation do forthwith and without further authorization make the

payments provided in Article VI, Section 1; Article VI, Section 5; Article VI (a) Section 1; and Article XI, Section 2 of the aforesaid Plan, for the purposes therein respectively set forth.

3. THE BOARD FURTHER ORDERS that notwithstanding the generality of the foregoing, the provisions of the said Plan are hereby made rules and regulations and the Board orders and directs all Municipal corporations and local Boards thereof and other persons, and particularly the Municipal Council of The Corporation of the City of Windsor, and every local Board of the said City and every officer and servant thereof, to do all acts and things and execute all cheques, documents and other papers necessary or proper for the purpose of giving effect to the provisions of the aforesaid Plan and of this Order.

4. AND THE BOARD FURTHER ORDERS and reserves all jurisdiction conferred upon it by Section 33 (h) of The Department of Municipal Affairs Act, 1935, relating to the Local Improvement rates and charges imposed or to be imposed from time to time by the said Corporation of the City of Windsor.

ORDER signed this 15th day of June, 1937.

E. W. CROSS,
Chairman.

(SEAL)

NOTE.—The Plan for refunding and refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, a copy of which Plan is mentioned in Clause 1 of the foregoing Order of the Ontario Municipal Board as being attached to the said Order as Schedule "A" thereto is hereinbefore set out as Schedule A to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said Plan is accordingly not included herein as a Schedule to the foregoing Order of the Ontario Municipal Board.

The By-law, a copy of which is mentioned in clause 2 (a) of the foregoing Order of the Ontario Municipal Board as being attached to the said Order as Schedule "B" thereto is hereinbefore set out as Schedule B to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said By-law is accordingly not included herein as a Schedule to the foregoing Order of the Ontario Municipal Board.

SCHEDULE D

ONTARIO

P. F. A-6222

THE ONTARIO MUNICIPAL BOARD

BEFORE: D. S. CHARLTON, Esq., Vice-Chairman, and W. P. NEAR, Esq., B.A.Sc., Commissioner. } Wednesday, the 15th day of December, A.D. 1937.

IN THE MATTER of The City of Windsor (Amalgamation) Act, 1935, the amendments thereto and The Department of Municipal Affairs Act, 1935;

AND IN THE MATTER of the Order of the Municipal Board for Funding and Refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich dated the 14th day of April, 1937.

ORDER

WHEREAS pursuant to the provisions of The Department of Municipal Affairs Act, 1935, and the City of Windsor (Amalgamation) Act, 1935, and amendments thereto the Ontario Municipal Board, with respect to the debenture debt and debentures and the interest thereon and any other indebtedness of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, have power to authorize and order cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof.

AND WHEREAS the Council of the Corporation of the City of Windsor incorporated under the provisions of The City of Windsor (Amalgamation) Act, 1935,has, by resolution dated the 7th day of September, 1937, recommended to the Board that local improvement charges outstanding against private properties for watermains, street widenings, street openings and street extensions be cancelled and assumed by the Corporation at large, and that all other local improvement charges outstanding against private properties be collected in twenty equal annual instalments commencing in the year 1938, with the exception of balances under $20.00 which are to be collected in from one to three years.

1. THE BOARD HEREBY ORDERS the cancellation of the levy and collection of all local improvement assessments, rates or taxation and charges which would otherwise be imposed subsequent to the First day of January, 1938, to meet, pay and discharge any debenture debt, debentures or other indebtedness and interest thereon outstanding against private properties for watermains, street widenings, street openings and street extensions in the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich wherewith the same have heretofore been rated and that such assessments, rates or taxation and charges other than those respecting watermains, payment of which has been assumed by The Windsor Utilities Commission under agreement with the Corporation of the City of Windsor dated December 7th, 1937, be assumed by the ratepayers of the Corporation of the City of Windsor at large.

2. THE BOARD FURTHER ORDERS that any amount remaining unlevitd or uncollected under any former local improvement by-law, together with any amoune required by such by-law to be hereafter levied and collected, to meet, pay and discharge any debenture debt, debentures or other indebtedness, and interest thereon of all other local improvements, be collected in twenty equal annual instalments commencing in the year 1938 with the exception of balances under $20.00, which said balances shall be levied and collected in equal annual instalments in from one to three years, on the basis that balances up to and including Ten Dollars ($10.00) shall be paid in one year; balances of from Ten Dollars and One Cent ($10.01) up to and including Fifteen Dollars ($15.00) shall be paid in two years and balances of from Fifteen Dollars and One Cent ($15.01) up to and including Twenty Dollars ($20.00) shall be paid in three years.

D. S. CHARLTON,
Vice-Chairman.

(SEAL)

No. 67

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

1st Reading

March 11th, 1938

2nd Reading

3rd Reading

MR. CROSS

1938

No. 67

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 67 1938

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Windsor (Funding and Refunding Plan) Act, 1938.*

Funding and refunding plan confirmed.

2. The plan for funding and refunding the debts of the amalgamated municipalities of East Windsor, Walkerville, Windsor and Sandwich set out as Schedule A hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding, and is hereby constituted part of this Act.

Previous acts confirmed.

3. All orders, acts, matters and things heretofore made, performed or done pursuant to or for the purpose of carrying out the provisions of the said plan are hereby validated and confirmed.

By-law No. 113 and debentures validated.

4. By-law number 113 passed by the council of the corporation of the City of Windsor on the 25th day of June, 1937, set out as Schedule B hereto, and all debentures issued or to be issued thereunder, are hereby declared to be legal, valid and binding.

Municipal Board order of April 14th, 1937, validated.

5. The order of the Ontario Municipal Board, dated the 14th day of April, 1937, and set out as Schedule C hereto, is hereby declared to be legal, valid and binding.

Municipal Board order of Dec. 15th, 1937, validated.

6. The order of the Ontario Municipal Board, dated the 15th day of December, 1937, and set out as Schedule D hereto, is hereby declared to be legal, valid and binding.

Construction with other Acts.

7. This Act shall be and be deemed to be in addition to and not in derogation of any right, power or authority conferred by any other Act, but where the provisions of any

general or special Act conflict with the provisions of this Act the latter shall prevail.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE A

ARTICLE I

Object and Scope of Plan

SECTION 1. The object of this Plan is to provide for the funding and refunding of the debts of the Amalgamated Municipalities. Immediately prior to their dissolution the debts of these Municipalities (including arrears of interest accrued to December 31st, 1935, and subject to certain minor adjustments) amounted in the aggregate to $40,432,906.94, (exclusive of $209,767.20 referred to in Article III, Section 1 (a)), part of which was secured by debentures. Of that aggregate indebtedness there had been incurred for all purposes except public and separate school purposes debts to the amount of $30,449,974.87 and for public school purposes debts to the amount of $4,180,562.32 and the accrued interest thereon amounted to $5,802,369.76. These debts (exclusive of interest) were distributed as follows:

Municipality	General Purposes	School Purposes
East Windsor	$ 5,726,881.67	$ 892,216.86
Walkerville	4,146,743.85	346,198.43
Windsor	16,692,040.81	2,417,605.58
Sandwich	3,884,308.54	524,541.45

SECTION 2. It is proposed to fund and refund the principal of the aforesaid debts of the Amalgamated Municipalities amounting to $34,630,537.19 by creating debentures of the New City to the same principal amount and by issuing such debentures to or for the creditors of the Amalgamated Municipalities in discharge of all liability to them for such principal. It is proposed to discharge all liability for the accrued interest amounting to $5,802,369.76 by distributing among the creditors cash in the amount of $2,508,866.76 on the basis set out in Article VI hereof. Apart from arrangements herein set forth for liquidating certain of the current indebtedness of The Canadian Bank of Commerce it is not proposed in this Plan to differentiate between debts formerly secured by debentures and debts not so secured, nor is it proposed to differentiate between any classes of creditors as to principal, the intention being that every creditor shall receive debentures of the New City in the same principal amount as the principal amount of the debt owing to him by the Amalgamated Municipality. It is, however, proposed to differentiate between classes of creditors as to interest, the intention being that creditors of each of the Amalgamated Municipalities shall receive a rate of interest different from that received by the creditors of each of the other Amalgamated Municipalities and that Income Interest shall be varied according to the rates formerly payable on the debt. In this respect the Plan recognizes differences in the capacity of the several Municipalities to meet interest obligations. It will therefore be necessary to issue the debentures of the New City in several series so as to distinguish (a) the debts incurred by each of the Amalgamated Municipalities, (b) the debts incurred for public school purposes, and (c) the debts incurred at interest rates greater or less than a certain percentage. The Plan embodies the principal that a minimum fixed rate of interest (referred to in the Plan as "the mandatory rate" or "mandatory interest") shall be paid on the debentures of each series and that if the combined operating expenditure of the New City and of the Board of Education for Public School purposes exceeds in any year $2,900,000, an amount equivalent to 125% of such excess shall be paid into special funds and shall be applied in payment of additional interest (referred to in this Plan as "income interest") and in the purchase and redemption of debentures. The income interest payments should therefore assist in equalizing the mandatory rates as between the several Municipalities. The Plan also embodies the principle that surplus revenue of the City not required to meet operating expenditure, mandatory interest and income interest or payments to the Special Fund shall be paid to a Sinking Fund to be applied in the purchase and redemption of debentures.

SECTION 3. In order to give effect to the aforesaid differentiations in mandatory interest and income interest it is proposed to issue the debentures of the New City in several series, of which the designating letters shall be as follows: AX, AY, B, CX, CY, DX, DY, AAX, AAY, BB, CCX, CCY, and DDY. Debentures of Series AX, AY, AAX and AAY will be issued to fund and refund the debts of East Windsor, those designated AX and AY being applicable to debts contracted for general purposes as set out in Section 1 of this Article, and those designated AAX and AAY being applicable to the debts contracted for school purposes as set out in said Section 1. Similarly, the debentures of the series bearing the designating letters B or BB will be issued to fund and refund the debts of

Walkerville, the series bearing the designating letters CX, CY, CCX or CCY the debts of Windsor, and the series bearing the designating letters DX, DY or DDY the debts of Sandwich. The letter X or the letter Y in the designating letters of a series will indicate whether the debt to be refunded by such series carried interest at a rate not exceeding 5.49% or at a rate exceeding 5.49%, as the case may be. The amount of income interest payable on a debenture depends partly on this differentiation.

ARTICLE II

Interpretations

In this Plan the following words, phrases and expressions shall, wherever used, if the context permits, have the following meanings:

1. "This Plan," "the Plan," "hereby," "herein," "hereto" and "hereunder" mean and refer to the Plan herein set out for funding and refunding the debts of the Amalgamated Municipalities and the Schedules thereto.

2. "Amalgamated Municipalities" means East Windsor, Walkerville, Windsor and Sandwich severally.

3. (a) "East Windsor" means the Municipality and Corporation of the City of East Windsor as existing prior to the date of its dissolution.

(b) "Walkerville" means the Municipality and Corporation of the Town of Walkerville as existing prior to the date of its dissolution.

(c) "Windsor" means the Municipality and Corporation of the City of Windsor as existing prior to the date of its dissolution.

(d) "Sandwich" means the Municipality and Corporation of the Town of Sandwich as existing prior to the date of its dissolution.

4. "The City" or "the New City" means the Municipality and Corporation of the City of Windsor incorporated under the provisions of The City of Windsor (Amalgamation) Act, 1935.

5. "New Debentures" means the debentures of the City created and issued pursuant to this Plan.

6. "General Debentures" means the New Debentures issued by the City for the purpose of funding and refunding debts incurred by the Amalgamated Municipalities for all purposes except public and separate school purposes but including debts incurred for public school purposes to the extent of $91,811.19 under By-laws Nos. 1315, 2463 and 1738 of Windsor and the debt of $229,618.10 referred to in Part 14 of the Second Schedule hereto.

7. "School Debentures" means the New Debentures issued by the City for the purpose of funding and refunding debts incurred by the Amalgamated Municipalities for public school purposes except to the extent of $321,429.29 as set out in Clause 6 above.

8. "Mandatory Interest" means interest payable on the New Debentures at fixed rates per cent. per annum half-yearly as provided in this Plan.

9. "Income Interest" means interest payable on the New Debentures as provided in Article IV hereof and computed in the manner provided in Article V hereof.

10. "Arrears of Interest" means the amount payable as set out in Article VI hereof to creditors of the Amalgamated Municipalities for and in full settlement of interest accrued due on their debts and owing and unpaid as of December 31st, 1935, but not including the amount due on unpresented coupons as herein defined.

11. "Interest Arrears Warrant" means the coupons attached to New Debentures of Series DX, DY and DDY representing the right of the holder thereof to receive, if and when paid, Arrears of Interest as set out in Section 3 of Article VI hereof.

12. "Unpresented Coupons" means the interest and the coupons therefore on the debentures of the Amalgamated Municipalities which accrued due prior to default in

payment of interest on such debentures and were not presented for payment when due, and a list of which is set out in the Third Schedule hereto.

13. "Fiscal Agent" means Chester W. McDiarmid, Fiscal Agent of the City, and his successor duly appointed from time to time by the Board.

14. "Board" means the Ontario Municipal Board and its successor from time to time.

15. "Trustees" means the Board of Trustees from time to time as established under Article VIII hereof.

16. "Board of Education" means the Board of Education of the City and any successor and successors exercising the same authority as vested in the said Board of Education on the 1st day of June, 1936.

17. "Local Board" means and includes any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Park Management, Local Board of Health, Board of Police Commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes including school purposes of the City or the Amalgamated Municipalities, but shall not, in any case, include a Separate School Board.

18. "Department" means the Department of Municipal Affairs of the Province of Ontario or any other Governmental or Departmental authority exercising the same or similar jurisdiction over Ontario municipalities as is now exercised by the said Department of Municipal Affairs.

19. "Arrears of Taxes for 1932 and prior years" means and includes all moneys received by the City after December 31st, 1935, and prior to January 1st, 1947, from or in respect of—

(a) Taxes levied by Windsor in any year down to the year 1932 and including any amounts paid for the redemption of properties against which tax arrears certificates have been registered or which have been offered for sale at tax sales; and

(b) The sale of properties in respect of which taxes are in arrears; and

(c) Surplus revenue from rental of properties in the possession of the City either by reason of the registration of tax arrears certificates or otherwise by reason of the non-payment of taxes;

Provided that as to the foregoing clauses (b) and (c) such definition shall mean an amount of moneys bearing the same proportion to the moneys so received in respect of each such property as all taxes in arrears at the end of the year 1932 bear to the aggregate amount of all taxes in arrear in respect of any such property; And provided further that nothing in this definition contained shall preclude the application of any surplus revenue from rentals to diminish the amount payable for redemption of any property.

20. "Transfer Agent" means The Guaranty Trust Company of Canada and its successor duly appointed from time to time by the Board.

21. Words importing the singular number shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender, and words importing a person or persons shall include any body corporate or politic (including a municipal corporation) and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

ARTICLE III

Form, Execution and Issue of New Debentures

SECTION 1. The City shall forthwith create and issue for the purpose of giving effect to this Plan, New Debentures in the aggregate principal amount of $34,630,537.19, of which $30,449,974.87 in principal amount shall be "General Debentures" and designated as "City of Windsor General Refunding Debentures," and $4,180,562.32 in

principal amount shall be School Debentures and designated as "City of Windsor Public School Refunding Debentures."

SECTION 1 (a). The City shall forthwith pass a by-law authorizing the creation and issue of New Debentures of Series CY in a principal amount not exceeding $209,767.20 (in addition to the New Debentures of that Series referred to in Section 2 of this Article III) for the purpose of providing for the liability of Windsor in respect of that amount of the debenture and other debt of The Windsor, Essex and Lake Shore Electric Railway Association set out as Item 2 in column numbered 1 of Part 21 of the Second Schedule hereto and such by-law shall not be revoked or altered except in pursuance of an Order of the Board. New Debentures authorized by the said by-law shall be issued to the Transfer Agent at such time and in such amount and shall be dealt with and delivered as the Board may order but no Debentures shall be issued under the said by-law nor shall the City be required to levy any taxes for payment of the principal thereof or interest thereon except pursuant to order of the Board.

SECTION 2. The General Debentures shall be issued in several series, to be designated as AX, AY, B, CX, CY, DX and DY, and the School Debentures shall be issued in several series, to be designated as AAX, AAY, BB, CCX, CCY and DDY. The General Debentures of the said several series shall be issued in the following principal amounts:

Series AX in the principal amount of	$ 3,459,481.92
Series AY in the principal amount of	2,267,399.75
Series B in the principal amount of	4,146,743.85
Series CX in the principal amount of	11,627,107.79
Series CY in the principal amount of	5,064,933.02x
Series DX in the principal amount of	1,107,144.46
Series DY in the principal amount of	2,777,164.08

x—Subject to increase by Order of the Board under the provisions of Section 1 (a) of this Article III by an amount not exceeding $209,767.20.

The School Debentures of the said several series shall be issued in the following principal amounts:

Series AAX in the principal amount of	$ 428,312.97
Series AAY in the principal amount of	463,903.89
Series BB in the principal amount of	346,198.43
Series CCX in the principal amount of	1,085,916.28
Series CCY in the principal amount of	1,331,689.30
Series DDY in the principal amount of	524,541.45

SECTION 3. The New Debentures shall be dated as of the First day of January, 1936, and shall mature on the Thirty-first day of December, 1975. The New Debentures of the said several series shall bear Mandatory Interest at the following rates per annum:

Series AX at the rate of two per cent (2%)
Series AY at the rate of two per cent (2%)
Series B at the rate of four per cent (4%)
Series CX at the rate of three and one-quarter per cent (3¼%)
Series CY at the rate of three and one-quarter per cent (3¼%)
Series DX at the rate of one and one-half per cent (1½%)
Series DY at the rate of one and one-half per cent (1½%)
Series AAX at the rate of two per cent (2%)
Series AAY at the rate of two per cent (2%)
Series BB at the rate of four per cent (4%)
Series CCX at the rate of three and one-quarter per cent (3¼%)
Series CCY at the rate of three and one-quarter per cent (3¼%)
Series DDY at the rate of one and one-half per cent (1½%)

The New Debentures of the said several series shall also bear Income Interest, if and when payable, pursuant to the provisions of Articles IV and V of this Plan, computed in the manner set out in the said Article V of this Plan. The principal of the New Debentures and the Mandatory Interest and Income Interest thereon shall be payable at the Windsor (Ontario) Branch of The Canadian Bank of Commerce in lawful money of the Dominion of Canada, as to principal on the 31st day of December, 1975, and as to Mandatory Interest half-yearly on the 30th day of June and the 31st day of December in each year, the first of such Mandatory Interest payments to be payable as of the 30th

day of June, 1936, and as to Income Interest, if and when payable, on the 30th day of June in each year. The City or the Trustees shall have the right at their option to redeem, either in whole or in part, before maturity the New Debentures on June 30th in any year, at the principal amount thereof together with interest accrued to the date of redemption. If less than all the New Debentures are to be redeemed at any time the New Debentures to be redeemed shall be selected by the Trustees in such manner as they may in their discretion decide. All New Debentures so redeemed as aforesaid shall be forthwith cancelled and shall not be re-issued. Notice of the redemption of any or all of the New Debentures shall be given by the City in form approved by the Trustees by the insertion once at least thirty (30) days before the redemption date thereof of a notice of such redemption in a newspaper of general circulation in the City of Windsor and a newspaper of general circulation in the City of Toronto. After the funds necessary to provide for the redemption of such New Debentures have been set apart at the place and in the manner described in such notice, no holder of a New Debenture so to be redeemed shall be entitled to receive any moneys in respect thereof except the amount so set apart for redemption of such New Debenture.

SECTION 4. The General Debentures of all series and the coupons appertaining thereto shall be in substantially the form set out in the first Schedule hereto. General Debentures of Series DX and Series DY shall carry an Interest Arrears Warrant in substantially the form set out in the said Schedule. The General Debentures of all other series shall carry an Arrears of Interest Coupon in substantially the form set out in the said Schedule. The School Debentures of all series shall be in the same form as the General Debentures of the corresponding series, save that the words "Public School" shall be substituted for the word "General" wherever it occurs thereon.

SECTION 5. Each and every General Debenture shall constitute an obligation of the City and of the ratepayers thereof from time to time, and each and every School Debenture shall constitute an obligation of the City and of the ratepayers thereof from time to time assessed as public school supporters. Each and every New Debenture shall rank pari passu and shall be secured equally and rateably with each and every other New Debenture of any series.

SECTION 6. All New Debentures shall be sealed with the Seal of the City and shall be signed by the Mayor and the Treasurer of the City, whose signatures may be engraved, lithographed or otherwise mechanically reproduced thereon, and such engraved, lithogaphed or otherwise mechanically reproduced signatures shall be deemed for all purposes the signatures of the Mayor and Treasurer and shall be binding on the City. The coupons for arrears of interest and the Interest Arrears Warrants appertaining to the New Debentures shall be signed by the Fiscal Agent and all other interest coupons appertaining to the New Debentures shall be signed by the Treasurer of the City and the signatures of the Fiscal Agent and of the Treasurer of the City on such coupons and warrants may be engraved, lithographed or otherwise mechanically reproduced thereon, and such engraved, lithographed or otherwise mechanically reproduced signatures shall be deemed for all purposes the signatures of the Fiscal Agent or of the Treasurer of the City, as the case may be, and shall be binding on the City.

SECTION 7. The City shall forthwith cause the New Debentures in the aggregate principal amount of $34,630,537.19 and in such denominations and broken amounts as may be designated by the Fiscal Agent to be issued and executed as aforesaid and to be delivered to the Fiscal Agent.

SECTION 8. The Fiscal Agent shall thereupon deliver all of the New Debentures so received by him to The Guaranty Trust Company of Canada, herein called the "Transfer Agent," which shall deal with and distribute the New Debentures so delivered to it as follows:—

(a) Upon presentation and surrender to the Transfer Agent of a debenture or debentures of any issue described in the column numbered 1 of Parts 1, 3, 4, 6, 7, 8, 10, 11, 12, 14 and 15 of the Second Schedule to this Plan (or upon deposit with the Transfer Agent of proof of loss or destruction thereof and indemnity in form satisfactory to it) the Transfer Agent shall deliver to the person presenting and surrendering such debenture or debentures (or depositing such proof and indemnity), or in the case of registered debentures to the registered holder thereof or his duly authorized agent, a New Debenture or New Debentures of the same principal amount as the debenture or debentures so presented and surrendered (or in respect of which such proof and indemnity is deposited) and of the series set out in column numbered 2 of the said parts of the said Second Schedule opposite the description in the said columns numbered 1

of the issue of the debenture or debentures so presented and surrendered (or in respect of which such proof and indemnity is deposited) and such delivery shall be in substitution and exchange for such debenture or debentures;

(b) Upon satisfactory proof and evidence being furnished to the Fiscal Agent by any creditor of the Amalgamated Municipalities whose name is set out in the column headed "Creditor" in Part 2, 5, 9 or 13 of the Second Schedule hereto of his claim as set out opposite his name in the column numbered 1 in the said Part of the said Second Schedule, and upon surrender to the Fiscal Agent by such creditor of any collateral security for his claim as set out in the Note following such creditor's name in the said column headed "Creditor" and upon execution and delivery by such creditor to the Fiscal Agent of a satisfactory release of his claim and the debt represented by it, the Fiscal Agent shall authorize the Transfer Agent to deliver to such creditor a New Debenture or New Debentures of the series set out in the column numbered 2 in the said Part of the said Second Schedule opposite the name of such creditor of the same aggregate principal amount as the amount of the claim so released, and such delivery by the Transfer Agent shall be deemed to be and shall be in payment and satisfaction of the said claim and the debt represented by it. The Fiscal Agent shall thereupon forthwith cancel any collateral security so surrendered and transmit it to the Treasurer of the City, who shall cause it to be destroyed;

(c) Upon presentation and surrender to the Transfer Agent of a debenture or debentures of any issue described in column numbered 1 of Part 16 of the said Second Schedule (or upon deposit with the Transfer Agent of proof of loss or destruction thereof and indemnity in form satisfactory to it) the Transfer Agent shall deliver to the person presenting and surrendering such debenture or debentures (or depositing such proof and indemnity), or in the case of registered debentures to the registered holder thereof or his duly authorized agent, in respect of each debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited) two New Debentures each for one-half of the principal amount of the debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited), and such two New Debentures shall be of the respective series set out in column numbered 2 of the said Part 16 of the said Second Schedule opposite the description in the said column numbered 1 of the issue of the debenture so presented and surrendered (or in respect of which such proof and indemnity is deposited), and such delivery shall be in substitution and exchange for such debenture or debentures;

(d) The Transfer Agent shall set aside and deliver to a Corporate Trustee nominated by the Board in payment and satisfaction of the indebtedness of the Amalgamated Municipalities in respect of the debenture debt of the Essex Border Utilities Commission as set out in column numbered 1 of Part 17 of the Second Schedule hereto, New Debentures of the series set out in column numbered 2 of the said Part 17 opposite the figures representing the said indebtedness in the said column numbered 1 of the said Part 17 and in the same aggregate principal amount as such indebtedness. The receipt of such Corporate Trustee for the New Debentures so set aside and delivered shall constitute a valid and binding receipt to and release of the Fiscal Agent and the Amalgamated Municipalities in respect of such indebtedness. The Corporate Trustees shall hold the New Debentures so set aside and delivered to it by the Transfer Agent in trust for the holders of debentures of the Essex Border Utilities Commission to be dealt with in accordance with a plan to be prepared to take care of the liability of the debenture debt of the said Commission. Any moneys collected in respect of principal, interest or otherwise of the New Debentures so delivered to the Corporate Trustee under this Clause (d) shall be dealt with in accordance with the said plan above referred to in this Clause (d);

(e) (i) The Transfer Agent on receiving from the trustee for the Bondholders under the Mortgage Deed of Trust dated February 1st, 1929, securing an issue of First Mortgage Bonds on the property of Sandwich, Windsor and Amherstburg Railway Company, the Debentures of the Amalgamated Municipalities referred to in the notes in Part 18 of the Second Schedule hereto, shall deliver to the said trustee in payment and satisfaction of the indebtedness of the Amalgamated Municipalities in respect of the capital liability of Sandwich, Windsor and Amherstburg Railway Company, as set out in column numbered 1 of Part 18 of the Second Schedule hereto, New Debentures of the

Series set out in column numbered 2 of the said Part 18 opposite the figures representing the said indebtedness in the said column numbered 1 and in the same aggregate principal amount as such indebtedness. Before delivery of such New Debentures the Transfer Agent shall detach therefrom coupons numbered 1 and 2;

(ii) The Transfer Agent shall deliver to the Treasurer of Ontario the coupons numbered 1 and 2 detached by the Transfer Agent from the New Debentures to be delivered by the Transfer Agent to the trustee for the Bondholders pursuant to Paragraph (i) of Clause (e) of this Section 8. The Transfer Agent shall also deliver to the Treasurer of Ontario on account of the indebtedness of the Amalgamated Municipalities in respect of the operating deficits of Sandwich, Windsor and Amherstburg Railway Company, set out in column numbered 1 of Part 19 of the Second Schedule hereto, New Debentures of the series set out in column numbered 2 of the said Part 19, opposite the figures representing the said indebtedness in the said column numbered 1 in the same aggregate principal amount as such indebtedness. The said coupons and the New Debentures shall be delivered to the Treasurer of Ontario and be in full satisfaction and discharge of all liability of the Amalgamated Municipalities to any person whatsoever:

(a) for the repayment of the Debentures of Sandwich, Windsor and Amherstburg Railway Company, dated the 1st day of June, 1933;

(b) for operating deficits, indebtedness or obligations of Sandwich, Windsor and Amherstburg Railway Company as of the date hereof; and

(c) for all interest now due on the capital liability of Sandwich, Windsor and Amherstburg Railway Company, as set out in column numbered 1 of Part 18 of the Second Schedule hereto and/or on the said Debentures dated the 1st day of June, 1933.

(f) The Transfer Agent, when instructed so to do by the Fiscal Agent, on receiving from the depositary thereof the debentures of Windsor deposited as collateral security and referred to in the Note in Part 20 of the Second Schedule hereto shall set aside and deliver to the trustee for Bondholders under a certain Mortgage Deed of Trust securing the bonds of the Windsor, Essex and Lake Shore Electric Railway Association and dated February 1st, 1929, in payment and satisfaction of the indebtedness of Windsor in respect of the bond issue secured by the said Mortgage Deed of Trust, New Debentures of Series CY in the same aggregate principal amount as the amount of the said indebtedness set out in the said column numbered 1 of the said Part 20. The receipt of the said trustee above mentioned in this Clause (f) for the said New Debentures shall constitute a valid and binding receipt to and release of the Fiscal Agent and Windsor in respect of the said indebtedness of Windsor and in respect of any claim by any person whether by way of debt or contribution or otherwise in respect of such indebtedness; provided, however, that before the Fiscal Agent authorizes the Transfer Agent to deliver such New Debentures to the said trustee for the Bondholders, the said trustee shall have completed the liquidation and disposition of the assets of the said Railway now in its possession or under its control, and shall have credited Windsor with its proper share of the moneys so realized, and the Fiscal Agent shall authorize the setting aside and delivery to the said trustee only New Debentures in an aggregate amount, the face value of which is equivalent to the balance of Windsor's indebtedness so ascertained in respect of such bond issue, and the delivery of such New Debentures shall be in full payment and satisfaction of Windsor's indebtedness and constitute a valid and binding receipt as aforesaid. Any New Debentures not required by the Transfer Agent for delivery to the trustee as aforesaid shall be returned to the Treasurer for cancellation;

(g) For the purpose of providing for the liability of Windsor in respect of the debenture and other debt of the Windsor, Essex and Lake Shore Electric Railway Association set out in column 1 of Part 21 of Schedule 2 hereto, the Transfer Agent shall hold in trust for the debenture holders and other creditors of the Railway New Debentures of Series CY to be issued forthwith, in the same aggregate principal amount as the amount of the indebtedness of Windsor set out in Item 1, column 1 of Part 21 of the Second Schedule hereto, and such further New Debentures as may be issued pursuant to Section 1 (a) of Article III hereof; all such New Debentures and such coupons as may be attached

thereto shall be dealt with as the Board may order. The delivery by the Transfer Agent of all such New Debentures in accordance with such order of the Board shall be in full payment and satisfaction of the indebtedness of Windsor in respect of the said debenture and other debt of the said Railway Association (except the indebtedness in respect of the bond issue referred to above in Clause (f)), and the receipt of the Transfer Agent for all such New Debentures shall constitute a valid and binding receipt to and release of the Fiscal Agent and Windsor in respect of such indebtedness of Windsor and in respect of any claim by any person, whether by way of debt or contribution or otherwise in respect of such indebtedness. The receipt of the Transfer Agent for the New Debenture of Series CY to be issued forthwith as provided above shall be deemed to be in payment and satisfaction of Windsor's indebtedness to the full extent of the face value of such Debentures, and no further claim may be made by any Debenture holder or other creditor against the Fiscal Agent or Windsor with respect to such portion so discharged of the whole debt set out in column 1 of Part 21 of the Second Schedule hereto; provided that nothing herein contained shall affect or prejudice the right of the City to contribution from all or any other Municipalities liable for the said debt set out in column numbered 1 of Part 21 of the Second Schedule hereto;

(h) The Transfer Agent upon the surrender to it of any collateral security as set out in Note 2 to Part 22 of the Second Schedule hereto shall deliver to The Canadian Bank of Commerce New Debentures of the series set out in the column numbered 2 of the said Part 22 of the said Second Schedule opposite the name of the accounts in the said Bank of the same aggregate principal amount as the amount of the indebtedness set out in the column numbered 1 of the said Part. Forthwith upon such delivery by the Transfer Agent such indebtedness shall be deemed to be and shall be postponed and varied to the extent that the same shall thereupon and thereafter bear Mandatory Interest and Income Interest and the principal thereof shall be paid in the terms of the New Debentures so delivered. Such New Debentures shall be held by the said Bank as collateral security for the said indebtedness and on any interest date the said Bank may at its option elect to accept the said New Debentures at the principal amount thereof in full payment and satisfaction of the said indebtedness. The provisions of this Section 8 (h) shall be subject to the provisions of Section 2 of Article VI (a) hereof.

SECTION 9. All New Debentures shall prior to distribution thereof by the Transfer Agent pursuant to the authority of Section 8 of this Article III, be certified by the Fiscal Agent as certifying agent, but the Fiscal Agent may in his discretion appoint such Transfer Agent to perform the act of signing the certification as certifying agent.

SECTION 10. In case any of the New Debentures or coupons issued pursuant to this Plan shall become mutilated or be lost or destroyed, the City in its discretion may issue, and thereupon the Transfer Agent shall deliver another New Debenture or coupon of like date and tenor as the one mutilated, lost or destroyed, in exchange for and in place of and upon cancellation of the mutilated debenture or coupon or in lieu of and in substitution for the same if lost or destroyed, and the substituted New Debenture or coupon shall be in a form approved by the Fiscal Agent. In case of loss or destruction the applicant for such substituted Debenture or coupon shall furnish to the City and to the Fiscal Agent such evidence of the loss or destruction of the New Debenture or coupon so lost or destroyed as shall be satisfactory to the City and to the Fiscal Agent in their discretion and such applicant shall also furnish indemnity satisfactory to them in their discretion. In the event of the Fiscal Agent ceasing to function and his office becoming vacant the powers conferred under this Section shall be exercised by the Treasurer of the City.

SECTION 11. The Fiscal Agent shall forthwith upon receipt thereof cancel any debentures and other evidences of indebtedness of any of the Amalgamated Municipalities and any collateral securities received by him pursuant to Section 8 of this Article III, and shall deliver to the Treasurer of the City such debentures and other evidences of indebtedness and collateral securities so cancelled. The Treasurer of the City shall retain such debentures and other evidences of indebtedness and collateral securities until December 31st, 1941, and shall immediately thereafter destroy them, and it shall be the duty of the Treasurer to keep a record of such destruction.

SECTION 12. The Transfer Agent shall make reports to the Fiscal Agent and/or the Treasurer of the debentures delivered by him pursuant to the provisions of this

Article III, exchanges effected and deliveries made by him pursuant to the provisions of this Article III at such intervals as the Fiscal Agent or the Treasurer may require.

ARTICLE IV

Creation and Maintenance of Income Interest Fund and Sinking Fund

SECTION 1. As long as any of the New Debentures are outstanding the City shall pay to the Trustees on or before the first day of December in each year a sum equivalent to 125% of the amount by which the combined estimated operating expenses of the City and of the Board of Education for Public School purposes exceed $2,900,000. The said sum shall be levied and collected as a part of the taxes for such year of the City. Without limiting the general obligation of the City under the foregoing, and solely for the purpose of establishing as between the City and the Board of Education the proper incidence of the taxes to be levied for the foregoing purpose, such sum when payable hereunder shall be levied and collected from the ratepayers assessable for Public School purposes only to the extent of such sum or to the extent of 125% of the amount by which the estimated operating expenses of the Board of Education for Public School purposes exceed $660,000, whichever is smaller, the balance being levied against and collected from ratepayers assessable for general purposes. Provided that if the combined actual operating expenses of the City, and of the Board of Education for Public School purposes in any year exceed $2,900,000.00 the City shall, before October 1st in the following year, pay to the Trustees a sum equivalent to 125% of such excess, less any sum paid by the City to the Trustees on December 1st preceding such October 1st under the provisions of this Section; and if any amount so paid on such December 1st under the provisions of this section exceeds 125% of the excess of the combined actual operating expenses of the City, and of the Board of Education for Public School purposes over $2,900,000.00, the City shall in the first year or years thereafter in which any amount becomes payable by the City to the Trustees under this Section 1, be entitled to a credit of an amount equivalent to such last mentioned excess.

"Operating expenses of the City" means and includes all moneys expended or to be expended by the City in any year for every purpose whatsoever except—

(a) the expenses of the Board of Education for Public School purposes, the Separate School Board of the City and the Windsor Utilities Commission;

(b) charges for payment of principal and interest on the General Debentures and on all debenture or other capital debt incurred from time to time for other than school purposes;

(c) expenses in the nature of capital replacements; and in the event of any dispute as to whether an expense is in the nature of a capital replacement expense such dispute shall be referred to the Board whose decision shall be binding on all parties for the purposes of this Article;

(d) expenses for relief for which the City is liable to provide under the provisions of The Unemployment Relief Act, 1935, including expenses incurred in connection with the administration thereof;

(e) expenses of the City imposed or increased by reason of or pursuant to legislation of the Parliament of Canada or of the Legislative Assembly of the Province of Ontario, which legislation is of general application to all municipalities in Ontario and in the opinion of the Trustees provides for an imposition and/or increase in expenses of the City of an extraordinary character not of the nature of maintenance and operation; and before providing for the payment of or paying any such extraordinary expenses the City shall refer the same to the Trustees for their opinion as to its character, and the decision of the Trustees as to whether such extraordinary expenses are operating expenses within the meaning of this Section may be appealed by the City or the Board of Education to the Board whose decision or the decision of the Trustees, if no such appeal is taken, shall be final and binding on all parties for the purposes of this Article;

(f) Arrears of Taxes for 1932 and prior years paid to and received by The Canadian Bank of Commerce.

"Operating expenses of the Board of Education" means and includes all moneys expended or to be expended by the Board of Education in any year for every purpose whatsoever except—

(aa) general expenses of the City, including Secondary School expenses;

(bb) charges for the payment of principal and interest on the School Debentures and on all debenture or other capital debt incurred from time to time for school purposes;

(cc) expenses in the nature of capital replacements; and in the event of any dispute as to whether an expense is in the nature of a capital replacement expense such dispute shall be referred to the Board whose decision shall be binding on all parties for the purposes of this Article;

(dd) expenses of the Board of Education for Public School purposes imposed or increased by reasons of or pursuant to legislation of the Parliament of Canada or of the Legislative Assembly of the Province of Ontario, which legislation is of general application to all Boards of Education in Ontario and in the opinion of the Trustees provides for an imposition and/or increase in expenses of the Board of Education for Public School purposes of an extraordinary character not of the nature of maintenance and operation; and before providing for the payment of or paying any such extraordinary expenses the Board of Education shall refer the same to the Trustees for their opinion as to its character, and the decision of the Trustees as to whether such extraordinary expenses are operating expenses within the meaning of this Section may be appealed by the Board of Education to the Board whose decision or the decision of the Trustees if no such appeal is taken shall be final and binding on all parties for the purposes of this Article.

SECTION 2. As long as any of the New Debentures are outstanding the City and/or the Board of Education shall pay to the Trustees on or before the Fifteenth day of April in any year a sum (as ascertained by the certificate of the auditor of the City) equivalent to the amount by which the total receipts of the City and/or the Board of Education for all purposes for the preceding fiscal year from all sources except moneys borrowed have exceeded the obligations of the City for such preceding year in respect of—

(a) operating expenses of the City;

(b) expenditure on or in repayment of loans for capital replacements as determined in clause (e) of Section 1 of this Article;

(c) charges for the payment of principal and interest on the General Debentures and on all debenture debt incurred from time to time for other than school purposes;

(d) expenses for relief as defined in clause (d) of Section 1 of this Article;

(e) expenses of an extraordinary character as defined in clause (e) of Section 1 of this Article;

(f) payments to the Trustees under Section 1 of this Article by reason of the combined operating expenses of the City and of the Board of Education for Public School purposes exceeding the sum of $2,900,000;

(g) arrears of taxes for 1932 and prior years paid to and received by The Canadian Bank of Commerce;

(aa) operating expenses of the Board of Education;

(bb) expenditure on or in repayment of loans for capital replacements as determined in clause (cc) of Section 1 of this Article;

(cc) charges for the payment of principal and interest on the School Debentures and on all debenture debt incurred from time to time for school purposes;

(dd) expenses of an extraordinary character as defined in Clause (dd) of Section 1 of this Article;

For the purposes of this Section the operating capital of the City to an amount not exceeding $325,000 shall not be deemed a receipt of the City in any fiscal year.

For the purposes of this Section the certificate of the auditor of the City as to the sum by which the total receipts of the City for the years 1935 and 1936 respectively have exceeded the obligations of the City for each such year and the sums necessary for the purpose of effecting this Plan shall be given to the Trustees forthwith upon the approval of this plan and thereupon the City shall pay such sums to the Trustees.

SECTION 3. The Trustees shall create and maintain for the purpose of paying Income Interest on the New Debentures a special fund to be known as "the Income Interest Fund" into which they shall pay from time to time one-half of the sums received by them from the City under Section 1 of this Article IV. The Income Interest Fund shall be maintained in a deposit account in Ontario with The Canadian Bank of Commerce. Such account shall be in the names of the Trustees and shall be designated as "Income Interest Fund."

SECTION 4. The moneys so paid into the Income Interest Fund and any other moneys from time to time at the credit thereof shall be accumulated in the said Fund until the amount of the credit thereof including interest, if any, thereon shall be at least $125,000.00. If on the Thirtieth day of April in any year the moneys to the credit of the Income Interest Fund amount to at least $125,000.00, the Trustees shall forthwith authorize a distribution of Income Interest to the holders of the New Debentures payable on the next succeeding thirtieth day of June, and shall forthwith determine the aggregate amount of such distribution, which shall be in their discretion but not less than $125,000.00 and may exceed that amount. The Trustees shall also forthwith notify the Treasurer of the City in writing by registered post that they have authorized such distribution in the aggregate amount so determined. The Treasurer shall thereupon compute the amount of Income Interest payable in respect of each and every New Debenture then outstanding pursuant to the basis of computation set forth in Article V hereof, and shall on or before the fifteenth day of the said month of June deliver a statement of such computation to the Windsor Branch of The Canadian Bank of Commerce. On or before the twenty-fifth day of the said month of June the Trustees shall pay to the Windsor (Ontario) Branch of The Canadian Bank of Commerce for the credit of Income Interest Account the amount of the said distribution with the necessary authority to enable the said Bank to pay out of such account Income Interest to the holders of the New Debentures. The Trustees shall give such public notice of each proposed distribution of Income Interest as they may consider proper under the circumstances.

SECTION 5. If on the thirtieth day of April in any year the moneys at the credit of the Income Interest Fund when added to the total amount of the Mandatory Interest payable during such year on all of the New Debentures then outstanding would exceed an amount equivalent to four and one-half per cent. (4½%) of the aggregate principal amount of the New Debentures then outstanding, a sum equivalent to such excess shall be transferred by the Trustees from the Income Interest Fund and paid into the Sinking Fund created under Section 7 of this Article IV.

SECTION 6. Any amount to the credit of the Income Interest Fund on the thirty-first day of December, 1975, shall be paid by the Trustees to the Treasurer of the City, to be applied in payment of the principal of the New Debentures.

SECTION 7. The Trustees shall create and maintain for the purpose of providing a sinking fund for the purchase of the New Debentures from time to time a special fund to be known as "the Sinking Fund" into which they shall pay from time to time one-half of the sums received by them from the City under Section 1 of this Article IV and all sums received by them from the City and the Board of Education under Section 2 of this Article IV. The Sinking Fund shall be maintained in a deposit or savings account in Ontario with The Canadian Bank of Commerce. The account shall be in the names of the Trustees and shall be designated as "Sinking Fund." Provided, that when the total of such sums so paid into the Sinking Fund in any year are less than $160,000.00, 88% of the difference between the sum so paid and $160,000.00 shall be levied for and collected as part of the general taxes of the City in the following year and 12% of the said difference shall be levied for and collected as a part of the taxes chargeable to Public School supporters in the following year and both such sums shall be paid into the said Sinking Fund during such following year, except that so long as the average yearly amount paid into the Sinking Fund subsequent to 1936 is in excess of $160,000.00 no additional levy shall be required.

SECTION 8. The moneys so paid into the Sinking Fund from time to time shall be applied from time to time at the discretion of the Trustees in the purchase of New Debentures. Such New Debentures so purchased shall be forthwith cancelled by the Trustees and delivered to the Treasurer of the City who shall forthwith on receipt

thereof destroy them. The Trustees shall not in any calendar year prior to the year 1946 apply moneys at the credit of the Sinking Fund in excess of the amount of $150,000 toward the purchase of New Debentures, except in the year 1937 when not more than $300,000 may be so applied by the Trustees.

SECTION 9. In any calendar year prior to the year 1946 in which the taxes levied by the City are not less than the taxes levied in the preceding year but are insufficient to pay the obligations of the City and the Board of Education in respect of the items set out in clauses (a), (b), (c), (d), (e), (f), (g) and (aa), (bb), (cc) and (dd) of Section 2 of this Article IV, the Trustees shall, if requested by the City, apply to the payment of Mandatory Interest any amount at the credit of the Sinking Fund after setting aside the aforesaid sum of $150,000 used or which may be used in the purchase of New Debentures as provided in Section 8 of this Article IV.

SECTION 10. All moneys from time to time at the credit of the Sinking Fund may be invested in the name of the Trustees in securities in which Trustees are by the laws of Ontario authorized to invest trust funds, except mortgages and (subject to the provisions of Section 8 of this Article IV) New Debentures, and any other debentures of the City hereafter issued. The Trustees may also from time to time lend to the City for purposes of capital expenditure on the security of debentures of the City other than New Debentures such amounts as when added to all previous outstanding loans made by the Trustees to the City shall not exceed twenty per cent. (20%) of the moneys then at the credit of the Sinking Fund and available for investment.

SECTION 11. Any investments or loans made from time to time out of the Sinking Fund may be liquidated by the Trustees at any time in their discretion and shall be liquidated not later than the 30th day of June, 1975. The proceeds of such liquidation from time to time shall be paid into the Sinking Fund. Any amount to the credit of the Sinking Fund on the 31st day of December, 1975, shall be paid by the Trustees to the Treasurer of the City, to be applied in payment of the principal of the New Debentures.

ARTICLE V

Computation of Income Interest

Income Interest shall be computed and payable in accordance with the following provisions:

1. Out of the moneys which the Trustees shall authorize in any year to be distributed as Income Interest pursuant to Section 4 of Article IV hereof there shall be divided pro rata among and paid to the holders of the New Debentures of Series B and Series BB, an amount equivalent to one-half of one per cent. of the principal amount of the New Debentures of the said Series B and Series BB then outstanding.

2. The balance of the moneys so authorized by the Trustees to be distributed as Income Interest shall be set apart for payment to the holders of the New Debentures of the remaining Series, being Series AX, Series AY, Series CX, Series CY, Series DX, Series DY, Series AAX, Series AAY, Series CCX Series CCY, and Series DDY, and shall be apportioned as follows:

(a) An amount equivalent to 16% of such balance shall be made available for distribution to the holders of New Debentures of Series AX, Series AY, Series AAX and Series AAY, hereinafter collectively called "Group A";

(b) An amount equivalent to 76% of such balance shall be made available for distribution to the holders of New Debentures of Series CX, Series CY, Series CCX and Series CCY, hereinafter collectively called "Group C";

(c) An amount equivalent to 8% of such balance shall be made available for distribution to the holders of New Debentures of Series DX, Series DY and Series DDY, hereinafter collectively called "Group D".

3. (a) In any distribution of Income Interest prior to the year 1952 the holders of New Debentures of any Series of Group A or Group C or Group D shall be entitled, collectively, to receive an amount out of the moneys so made available for the holders of New Debentures of the whole Group of which such Series forms a part bearing the same proportion to the amount so made available for such Group as the Sacrifice of Interest of all the debentures of such Series bears to the Sacrifice of Interest of all the debentures of all the Series of such Group.

The "Sacrifice of Interest" above referred to is the figure resulting from the multiplication of the principal amount of a new debenture by the figure set out opposite the designating letters of the Series of which the new debenture forms a part, as follows:

Series	AX	3
"	AY	4
"	CX	1.75
"	CY	2.75
"	DX	3.5
"	DY	4.5
"	AAX	3
"	AAY	4
"	CCX	1.75
"	CCY	2.75
"	DDY	4.5

The moneys which the holders of the New Debentures of each Series collectively are entitled to receive under this Clause (a) of paragraph 3 of Article V hereof shall be divided pro rata among and paid to such holders.

(b) In any distribution of Income Interest subsequent to the year 1951 the moneys made available under paragraph 2 of this Article V for distribution among the holders of New Debentures of each Group shall be divided pro rata among and paid to such holders.

4. If a distribution of Income Interest on the basis above set forth would otherwise result in the holders of all the New Debentures of any Series receiving, collectively, in any year interest (including both Mandatory Interest and Income Interest) to an amount in excess of four and one-half per cent. (4½%) of the principal amount of the outstanding debentures of such Series, such excess shall be divided, first among the holders of the New Debentures of all the remaining Series of the Group of which such first-mentioned Series forms a part, and, if and when such distribution would result in the holders of all the New Debentures of any Group receiving interest (including Mandatory Interest and Income Interest) at a rate in excess of four and one-half per cent. (4½%) of the aggregate principal amount of the outstanding debentures of such Group, such excess shall be divided among the holders of the New Debentures of the remaining Group or Groups in the percentages and proportions set out in paragraphs 2 and 3 respectively of this Article V.

ARTICLE VI

Payment of Arrears of Interest and Unpresented Coupons

SECTION 1. The Fiscal Agent shall forthwith open a deposit account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of "C. W. McDiarmid, Fiscal Agent in trust for Debenture Holders and other Creditors of the Amalgamated Municipalities", and the City shall thereupon forthwith pay into the said account the sum of $2,390,068.49 in trust by way of Arrears of Interest, to be applied by the Fiscal Agent in full payment, satisfaction and settlement of all interest accrued due on the debts owing to the creditors of East Windsor, Walkerville and Windsor, except the debts set out in column numbered I of Part 21 of the Second Schedule hereto. Disbursements from such account shall be made only in payment of Arrears of Interest Coupons and/or Interest Arrears Warrants as herein provided. The holders of New Debentures of the several series except Series DX, Series DY and Series DDY shall be entitled to receive by way of Arrears of Interest the amount expressed in Coupon No. 1 attached to each of the New Debentures to be issued to them pursuant to this Plan. The basis upon which Arrears of Interest are computed is indicated in the Second Schedule hereto. The column numbered 3 in the said Second Schedule indicates the said interest accrued, and the column numbered 4 in the said Second Schedule indicates the percentage of interest accrued which will be paid as Arrears of Interest. Any payments received by Debenture Holders of Windsor on account of Arrears of Interest shall be taken into account in computing the sums to which such Debenture Holders are entitled as Arrears of Interest.

SECTION 2. Any moneys received or recovered from Imperial Bank of Canada as a result of the litigation referred to in the Notes to item numbered 3 in Part 13 of the Second Schedule hereto shall be set aside and applied as follows:

(a) The sum of $9,446.00 shall be paid to the Fiscal Agent and applied in the manner provided in respect thereof in Section 2 of Article XI hereof;

(b) The balance, if and to the extent that it is received or recovered in whole or part satisfaction of the claim that it represents moneys ear-marked or held in trust for the holders of Sandwich debentures, shall be paid to the Fiscal Agent and made available for Arrears of Interest;

(c) If the portion of the said balance remaining after the payment to the Fiscal Agent under clause (b) of this Section 2 is not less than the difference between $133,475.00 and the amount of such payment to the Fiscal Agent under said clause (b), there shall be paid to the Fiscal Agent and made available for Arrears of Interest a sum equivalent to the difference between $118,850.00 and the amount so paid to the Fiscal Agent under said Clause (b);

(d) If the portion of the said balance remaining after payment to the Fiscal Agent under the said Clause (b) is less than the difference between $133,475.00 and the amount of such payment to the Fiscal Agent under said Clause (b) there shall be paid to the Fiscal Agent and made available for Arrears of Interest a sum bearing the same ratio to the amount of such remaining portion as the difference between $118,850.00 and the amount so paid to the Fiscal Agent under said Clause (b) bears to the difference between $133,475.00 and the amount so paid to the Fiscal Agent under said Clause (b);

(e) Any moneys not paid to the Fiscal Agent under Clauses (a), (b), (c) and (d) of this Section 2 shall be paid to or retained by the City.

SECTION 3. As soon as any moneys are so available for Arrears of Interest under Section 2 of this Article VI the Fiscal Agent shall open an account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of "C. W. McDiarmid, Fiscal Agent, Sandwich Arrears," and the City (or if he has already received the same, the Fiscal Agent) shall thereupon forthwith pay into the said account the moneys so available. The holders of New Debentures of Series DX, Series DY and Series DDY bearing Interest Arrears Warrants shall be entitled on surrendering such warrants to the said Bank to receive out of the moneys so deposited an amount bearing the same proportion to the amount expressed in the Interest Arrears Warrant so surrendered as the moneys so made available and deposited in the said Bank bear to the sum of $118,850.00.

SECTION 4. The Transfer Agent, on the presentation and surrender of any of the debentures of the Amalgamated Municipalities from which there have been detached any unpaid coupons for interest accrued since default in payment thereof shall be entitled as a condition of delivering New Debentures pursuant to Section 8 of Article III hereof to detach from such New Debentures coupon No. 1 and make such adjustment of Arrears of Interest in respect thereof, including payment to the holders of such coupons when presented, as the Fiscal Agent may deem proper under the circumstances and direct and such adjustment shall be final and binding on all parties.

SECTION 5. The Fiscal Agent shall forthwith open a deposit account with the Windsor (Ontario) Branch of The Canadian Bank of Commerce in the name of "C. W. McDiarmid, Fiscal Agent, in Trust, Unpresented Coupons," and the City shall thereupon forthwith pay into the said account in trust the sum of $14,190.10 to be applied only in payment of Unpresented Coupons. The holders of Unpresented Coupons shall be entitled to receive payment out of the said account of the amount of the face value of such coupons. A list of the Unpresented Coupons is set out in the Third Schedule hereto.

SECTION 6. The City and the Fiscal Agent and the said Bank shall cease to be liable for payment of any Arrears of Interest coupons and Unpresented Coupons and Interest Arrears Warrants which are not presented for payment prior to the 31st day of December, 1943. Any balances to the credit of any of the accounts in the said Bank directed to be opened under this Article VI shall forthwith after the 31st day of December, 1943, be transferred to the Trustees and shall by them be paid into the Income Interest Fund.

ARTICLE VI (a)

SECTION 1. The City shall forthwith pay to The Canadian Bank of Commerce the sum of $6,457.55, representing the balance in Tax Arrears Account at December 31st, 1935, and the sum of $300,000 on account of loans and advances made by the said Bank to the Supervisors for Windsor.

SECTION 2. Notwithstanding anything herein contained, The Canadian Bank of Commerce shall, until December 31st, 1946, be entitled to be paid by the City and/or to retain and apply on account of the indebtedness of Windsor to the said Bank (as shown in the Current Account set out in Part 22 of the Second Schedule hereto) any arrears of taxes for 1932 and prior years. Any moneys so received by The Canadian Bank of Commerce shall be applied by the said Bank as follows: First, in payment and satisfaction of interest due to the said Bank in respect of such Current Account at the mandatory rate of 3¼%, and, secondly, on account of the principal due on such Current Account from time to time.

ARTICLE VII

Readjustment of Mandatory Interest

The Trustees shall, during the year 1940, cause a financial survey to be made of those areas of the City which formerly constituted East Windsor, Walkerville, Windsor and Sandwich, and if the total assessment or levy for taxes in any or all of such areas has increased or improved to an extent sufficient, in the opinion of the Trustees, to justify an increase in the rates of Mandatory Interest payable on the New Debentures or any of them, the Trustees may, by resolution, provide for such increase or increases in the Mandatory Interest payable on the said debentures, during the five years commencing with January 1st, 1941, as they may consider to be justified by such increase and improvements.

If the Trustees so increase the rate or rates of Mandatory Interest, New Debentures then outstanding of the Series in respect of which such increased rates apply shall be deemed to be amended as though the mandatory rates applicable thereto under Section 3 of Article III hereof were expressed to be at such increased rate or rates.

A financial survey similar to the aforesaid survey shall again be made during the year 1945 for the like purposes and the Trustees shall have the like powers of increasing the said rates of Mandatory Interest with the like results, and such survey shall be repeated at quinquennial intervals for the like purposes and with the like results until 1970.

The Trustees, however, shall not provide for any increase in the rate of Mandatory Interest which obligates the City to pay interest at a rate exceeding four and one-half per cent. (4½%) per annum on the principal amount of any of the said New Debentures.

Any decision of the Trustees hereunder shall be subject to appeal to the Board who shall however have no jurisdiction to reduce the rate of mandatory interest below the rate prevailing immediately prior to the decision of the Trustees.

ARTICLE VIII

Trustees

SECTION 1. There shall be constituted for the duties herein imposed upon them a Board of Trustees consisting of three members. The first members shall be A. McPherson, of London, Ontario, nominated by the Protective Committees formed by debenture holders of the Amalgamated Municipalities, and two other persons, one of whom is to be appointed by the Treasurer of Ontario and the other to be appointed by the City. The Treasurer of Ontario and the City shall make the aforesaid appointments within one month after the Board has made an order approving of this Plan.

A. McPherson shall hold office until his successor is appointed as hereinafter provided, the appointee of the Treasurer of Ontario shall hold office until December 31st, 1939, and the appointee of the City shall hold office until December 31st, 1938.

On or before December 31st, 1938, the City shall appoint a Trustee to succeed their first appointee, and the successor so appointed shall be a member of the Trustees for a period of two years until December 31st, 1940. On or before December 31st, 1940, the City shall again appoint a successor to be a Trustee for a like period of two years, and so on from time to time.

On or before December 31st, 1939, the Treasurer of Ontario shall appoint a Trustee to succeed his first appointee, and the successor so appointed shall be a member of the Trustees for a period of two years until December 31st, 1941. On or before December

31st, 1941, the Treasurer shall again appoint a successor to be a Trustee for a like period of two years, and so on from time to time.

The successor of A. McPherson from time to time shall be appointed in the following manner: A. McPherson shall nominate in writing two other persons to constitute with him a panel, of which he shall be the senior member. If at any time a member of the said panel dies, resigns or is incapable of acting, the senior remaining member of the panel shall nominate in writing a person to fill the vacancy on the panel, and so on from time to time. The senior member of the panel from time to time shall be a member of the Board of Trustees. Priority of nomination to the panel shall determine the seniority of members of the panel. The senior member of the panel shall from time to time file with the Treasurer of Ontario and the City the written nomination of each member of the panel and his written acceptance thereof.

If at any time the appointee of the Treasurer of Ontario or of the City shall, before the expiration of his term of office, die, resign or be incapable of acting, the Treasurer of Ontario or the City, as the case may be, shall forthwith appoint his successor to fill his unexpired term.

The appointee of the Treasurer of Ontario shall be the Chairman of the Trustees.

If at any time the senior member of the panel or the Treasurer of Ontario or the City fails to make any nomination or appointment to the panel or for Trustee within one month after the time above provided for such nomination or appointment, the Board may upon the application of any Trustee make such nomination or appointment.

In addition to the above mentioned three members the Mayor of the City shall at all times be a member of the Board of Trustees and privileged to attend all meetings thereof but not to vote thereat unless he is the appointee of the City under the first paragraph of this Section "1" of this Article.

SECTION 2. The Trustees shall act without remuneration but shall be entitled to receive their actual expenses incurred in attending meetings of the Trustees or while engaged on the business of the Trustees. The Trustees may in connection with the execution of their duties and powers appoint or employ accountants, bankers, solicitors or other experts or agents or employees and shall not be responsible for misconduct of such appointees or employees. The City shall pay to the Trustees their expenses incurred as aforesaid or in connection with the services of such appointees or employees. The City shall not, however, be obligated to pay to the Trustees amounts in excess of $5,000 in the aggregate for expenses so incurred in any one year without the approval of the Board, which may be given on the application of any Trustee. The books of account of the Trustees shall be subject to audit by the Auditor of the City at all reasonable times.

SECTION 3. The Trustees and their duly authorized representatives shall have the right to inspect any or all books or records of the City and/or the Board of Education and/or any other local board at any time and to demand and receive full explanations thereof and of any other matters relevant to this Plan, and all officials, agents and servants of the City and/or the Board of Education and/or any local board shall furnish such information when so requested.

ARTICLE IX

SUPERVISION

The City shall comply with the following provisions. On or before the first day of March in each year commencing in the year 1938, the City shall submit its proposed budget for the current year to the Trustees. Unless the Trustees, within fifteen days of the submission to them of the said proposed budget, notify the City of their disapproval, the City may thereafter pass the same and strike its tax rate in accordance therewith. If the Trustees notify the City within the said fifteen days that they do not approve the proposed budget, then either the City or the Trustees may appeal to the Board and the Board shall have power to determine any matters at issue between the City and the Trustees with respect to such proposed budget, and to make such order as it deems necessary or advisable for the purpose of assuring payment of the amount due in such year under this Plan. Subject to the provisions of Section 65 of the Department of Municipal Affairs Act, 1935, the new City shall remain under the supervision of the Department until January 1st, 1938, and then an application may be made to the Board to remove the City and all local Boards from the provisions of Part III of the said Act.

ARTICLE X

Subject to the provisions of Section 1 of Article XI hereof, upon delivery of the New Debentures to the Fiscal Agent as provided in Section 7 of Article III hereof and delivery of New Debentures as may be ordered by the Board under Section 1 (a) of Article III hereof and the payment of the amounts provided by Section 1 of Article VI hereof, all debts of the Amalgamated Municipalities, whether direct or indirect and whether by way of contribution or otherwise, shall be deemed to be paid and discharged and the rights of the creditors of the Amalgamated Municipalities shall be limited to receiving New Debentures and Arrears of Interest in accordance with the provisions of Articles III and VI hereof respectively.

Provided that nothing in this Plan contained shall affect—

(a) The rights of any creditors of any of the Amalgamated Municipalities against any government, corporation or person or any municipality or commission (other than the Amalgamated Municipalities or any local Boards thereof) in respect of any liability for the payment of any debt of such Amalgamated Municipalities;

(b) The rights of The Canadian Bank of Commerce under agreements dated the 1st day of February, 1932, validated by Sections 2 and 3 of the Essex Border Utilities Commission Act, 1932, 22 George V Chapter 97.

ARTICLE XI

General

SECTION 1. If any person shall on or before the 30th day of June, 1938, make a claim against the City of a nature provable under the Bankruptcy Act in respect of a debt of any of the Amalgamated Municipalities for which this Plan makes no other provision, and shall establish the validity of such claim and debt to the satisfaction of the City or of a Court of competent jurisdiction, the City shall issue to such person in full settlement thereof, including accrued interest, a debenture of like tenor and effect as the New Debenture which would have been issuable hereunder in satisfaction of a debt of the same kind and amount.

SECTION 2. The City shall forthwith pay the Fiscal Agent in trust for the purposes hereinafter set forth, the sum of $203,687.00 (and if and when any moneys are received or recovered from Imperial Bank of Canada as a result of the litigation referred to in the notes to item numbered 3 in Part 13 of the Second Schedule hereto, the additional sum of $9,446.00) and the Fiscal Agent, subject to the approval of the Board, shall apply the said moneys or so much thereof as may be necessary in payment of the expenses of the Protective Committees formed by the holders of debentures of the Amalgamated Municipalities, the City, The Windsor Finance Commission, the Fiscal Agent and the Transfer Agent, which expenses were incurred in connection with the negotiations for and preparation, submission and carrying out of this Plan, all costs and expenses arising out of litigation with the Imperial Bank of Canada, and in payment of such sums as the Board may direct by way of costs of and incidental to all proceedings in connection with this Plan. Any surplus out of the amount or amounts so paid to the Fiscal Agent and not required for the aforesaid payments shall be paid by him to the Trustees and shall by them be paid into the Income Interest Fund.

SECTION 3. The Fiscal Agent and/or the Transfer Agent shall keep a register or registers in which shall be recorded a list of the persons to whom the New Debentures are delivered pursuant to Article III hereof and such other registers or books as may be deemed necessary or proper in order to record the matters herein authorized to be done and the registers and books and other records relating to such matters shall be subject to inspection by the Treasurer of the City at all reasonable times and the Fiscal Agent and/or the Transfer Agent on completion of the performance of the duties hereby imposed on them shall deliver to the Treasurer of the City all books, records and documents of every nature and description in their custody and possession and relating to the execution and administration of this Plan, and such books, records and documents shall be made available by the Treasurer at all reasonable times to any persons having a bona fide direct interest therein.

SECTION 4. Upon the settlement or final adjudication of the litigation between the City, Wilfred McDonnell and Imperial Bank of Canada referred to herein, the Fiscal

Agent in consultation with the parties to such litigation shall make such adjusment in the Debentures payable to the said Bank as may be required to provide for such settlement or final adjudication and the Fiscal Agent shall return to the Treasurer of the New City for cancellation any New Debentures authorized hereby and not required for the aforesaid purposes.

SECTION 5. The Fiscal Agent or the Transfer Agent may be removed by the Board for cause upon the application of the Trustees or any of them.

SECTION 6. The Board may correct typographical or other manifest errors in this Plan, provided that such corrections shall in the opinion of the Trustees in no way prejudice the rights of the holders of New Debentures, and the City shall execute all such documents as may be necessary to give effect to such corrections.

SECTION 7. In the event of any dispute or disagreement between any of the persons referred to herein as to the interpretation or operation hereof, such dispute or disagreement shall, at the request of any such person, be referred to the Board for decision, and the decision of the Board thereon shall be final and binding on all parties in the same manner and to the same extent as if such decision had been included in this Plan as a part thereof.

SECTION 8. No appeal to the Board under the provisions of this Plan shall be heard unless such appeal is made by application filed with the Board within twenty-one days after the date of the decision appealed from, unless the Board is satisfied that the appellant did not know of such decision and that reasonable notice of such decision was not given.

SECTION 9. Except as to the provisions for appeal or amendment herein contained no order of the Board shall be made altering or varying this Plan in any manner.

FIRST SCHEDULE

Form of General Debenture of all Series

Series..... $.....

City of Windsor General Refunding Debenture

The Corporation of the City of Windsor hereby promises to pay to the bearer hereof on the 31st day of December, 1975, unless redeemed prior thereto, upon presentation and surrender hereof.....dollars.....together with one-half year's mandatory interest thereon at the then current rate in lawful money of Canada at the Windsor (Ontario) Branch of The Canadian Bank of Commerce,

and to pay Mandatory Interest on the said sum of.....from the 1st day of January, 1936, at the said Branch in like money half-yearly on the 30th day of June and the 31st day of December in each year to the bearer of the annexed coupons numbered 3 to 79, inclusive, upon presentation and surrender thereof as they severally become due, such payments of Mandatory Interest to be at the rate of

.....per cent. in each year until and including the year 1940, and thereafter at the current rate from time to time as determined in accordance with the provisions relating to readjustment of Mandatory Interest and being not less than..... per cent.

The said Corporation further promises to pay at the said Branch in like money to the bearer of the annexed coupons payable on the 30th day of June in any year and upon presentation and surrender thereof Income Interest on the said sum of.....

.....if Income Interest is then payable pursuant to the provisions relating thereto.

This Debenture may be redeemed before maturity on June 30th in any year at the principal amount thereof, together with interest accrued to the date of redemption.

The said Corporation further promises to pay at the said Branch in like money to the bearer of the annexed coupon (or warrant) numbered 1 and upon presentation and

surrender thereof Arrears of Interest in accordance with the terms of the said coupon (or warrant).

IN WITNESS WHEREOF and under the authority of an order of the Ontario Municipal Board dated the 14th day of April, 1937, and of By-law No. 113 of the Municipal Council of the Corporation of the City of Windsor duly passed on the 25th day of June, 1937, this Debenture is sealed by the said Corporation and signed by the Mayor and Treasurer thereof.

CORPORATION OF THE CITY OF WINDSOR

.....
Mayor

.....
Treasurer

FIRST SCHEDULE

Form of Coupon No. 1 for Arrears of Interest

(applicable to Debentures of Series AX, Series AAX, Series AY, Series AAY, Series B, Series BB, Series CX, Series CCX, Series CY, and Series CCY)

Series.....

Coupon No. 1

The Corporation of the City of Windsor will pay to the bearer on demand at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of.....

.....in full settlement of interest due and accrued to December 31st, 1935.

C. W. McDIARMID,
Fiscal Agent, City of Windsor.

Form of Coupon No 1

Interest Arrears Warrant

(applicable to Debentures of Series DX, Series DY and Series DDY)

Series.....

Coupon No. 1

The Corporation of the City of Windsor will pay to the Bearer hereof, if and when and on the terms on which payable under the provisions of Article VI of the Refunding Plan authorized by the order referred to in its General Refunding Debentures Series....

part or all of the sum of $.....in full settlement of interest due and accrued to December 31st, 1935.

C. W. McDIARMID,
Fiscal Agent, City of Windsor.

Form of Coupon No. 2

For Mandatory Interest from January 1st, 1936, to June 30th, 1937

Series.....

Coupon No. 2

The Corporation of the City of Windsor will pay to the bearer hereof on the 1st day of August, 1937, at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one and one-half year's Mandatory Interest on its General Refunding Debenture Series.

A. E. COCK,
Treasurer, City of Windsor.

Form of Coupons Bearing Even Numbers from 4 to 8, Inclusive, for Mandatory Interest and Income Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer hereof on the 30th day of June, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one-half-year's Mandatory Interest on its General Refunding Debenture Series.....and also Income Interest, if payable, and on the terms set out in the provisions relating thereto.

A. E. COCK,
Treasurer, City of Windsor.

Form of Coupons Bearing Odd Numbers from 3 to 9, Inclusive, for Mandatory Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer hereof on the 31st day of December, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce the sum of $....., being one-half-year's Mandatory Interest on its General Refunding Debenture Series.....

A. E. COCK,
Treasurer, City of Windsor.

FIRST SCHEDULE

Form of Coupons Bearing Even Numbers from 10 to 78, Inclusive, for Mandatory Interest and Income Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer on the 30th day of June, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce Mandatory Interest at the rate current on the said date as set out on its General Refunding Debenture Series....., being not less than $....., and also Income Interest, if payable.

A. E. COCK,
Treasurer, City of Windsor.

FIRST SCHEDULE

Form of Coupons Bearing Odd Numbers from 11 to 79, Inclusive, for Mandatory Interest

Series.....

Coupon No.....

The Corporation of the City of Windsor will pay to the bearer on the 31st day of December, 19....., at the Windsor (Ontario) Branch of The Canadian Bank of Commerce Mandatory Interest at the rate current on the said date as set out on its General Refunding Debenture Series....., being not less than $.....

A. E. COCK,
Treasurer, City of Windsor.

Form for Back of Debenture

Series..... $.....

City of Windsor General Refunding Debenture

Principal due December 31st, 1975
Interest payable June 30th and December 31st

Minimum Mandatory Rate.....% per annum
Principal and Interest payable
Windsor, Ontario, Branch,
Canadian Bank of Commerce

Form of Certificate

I hereby certify that the within Debenture is one of the issue of General Refunding Debentures of the City of Windsor and that the same has been properly issued for

funding and refunding the debt of.....

.....
Certifying Agent.

Form of Certificate of Validity by the Board

In pursuance of The Ontario Municipal Board Act, 1932, the Board certifies that By-law No. 113 of the Corporation of the City of Windsor passed on the 25th day of June, 1937, has been approved by the Board and that the within Debenture issued under the authority of such By-law and in conformity therewith is valid and binding upon the said Corporation and its validity may not be contested or questioned for any cause whatsoever.

Dated this.....day of....., 1937.

.....
SEAL For the Board.

The provisions relating to Redemption, Income Interest, Sinking Fund and Readjustment of Mandatory Interest are fully set forth in Articles III, IV, V and VII of the Plan as attached to the Order of The Ontario Municipal Board, dated 14th of April, 1937, a copy of which may be obtained from the City Treasurer.

SECOND SCHEDULE

PART 1

EAST WINDSOR DEBENTURE ISSUES

By-law Authorizing	Column No. 1 Description of Issue Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 659	Jan. 15, 1925	$ 132,116.95	AX	$ 30,025.15	50%
No. 707	Dec. 15, 1925	114,407.80	AX	26,000.31	50%
No. 708	Dec. 15, 1925	101,843.91	AX	23,145.05	50%
No. 715	Dec. 15, 1925	18,226.34	AX	4,142.09	50%
No. 723	Dec. 15, 1925	59,717.24	AX	13,571.32	50%
No. 725	July 15, 1926	25,000.00	AX	5,578.71	50%
No. 748	Dec. 1, 1927	23,979.59	AX	5,495.63	50%
No. 750	Oct. 1, 1926	126,829.75	AX	30,075.99	50%
No. 751	Oct. 1, 1926	145,238.01	AX	34,411.14	50%
No. 755	Dec. 15, 1926	519.07	AX	117.96	50%
No. 756	Dec. 15, 1926	32,187.31	AX	7,314.89	50%
No. 757	Dec. 15, 1926	190,249.25	AX	43,236.01	50%
No. 758	Dec. 15, 1926	47,357.38	AX	10,762.42	50%
No. 821	Dec. 1, 1927	31,663.10	AX	7,256.55	50%
No. 823	Dec. 1, 1927	19,891.29	AX	4,558.66	50%
No. 827	Dec. 1, 1927	1,841.08	AX	421.93	50%
No. 828	Dec. 1, 1927	4,255.24	AX	975.22	50%
No. 829	Dec. 1, 1927	21,248.67	AX	4,869.74	50%
No. 845	Dec. 1, 1927	138,186.03	AX	31,669.47	50%
No. 853	Oct. 1, 1928	10,900.00	AX	2,589.07	50%
No. 887	Dec. 1, 1928	14,679.30	AX	3,364.20	50%
No. 888	Dec. 1, 1928	157,093.38	AX	36,002.65	50%
No. 889	Dec. 1, 1928	52,107.51	AX	11,941.99	50%
No. 954	July 1, 1929	5,315.72	AX	1,196.41	50%
No. 1018	Nov. 15, 1930	23,597.42	AX	5,462.97	50%
No. 1019	Nov. 15, 1930	42,182.70	AX	9,765.68	50%
No. 37	June 1, 1914	7,901.63	AY	1,991.92	50%
No. 367	Dec. 15, 1922	35,308.33	AY	8,826.74	50%
No. 405	June 1, 1923	18,751.00	AY	4,726.94	50%
No. 419	Nov. 1, 1923	76,291.00	AY	19,589.24	50%
No. 586	Dec. 15, 1924	6,463.79	AY	1,615.83	50%
No. 615	Dec. 15, 1924	3,255.15	AY	813.73	50%
No. 626	Dec. 15, 1924	65,488.36	AY	16,371.18	50%
No. 627	Dec. 15, 1924	42,818.47	AY	10,704.05	50%
No. 945	Nov. 1, 1929	208,150.53	AY	53,446.54	50%
No. 946	Nov. 1, 1929	26,639.81	AY	6,840.30	50%
No. 953	Nov. 1, 1929	8,667.95	AY	2,225.66	50%
No. 955	Nov. 1, 1929	35,262.17	AY	9,054.25	50%
No. 987	Nov. 1, 1930	33,596.88	AY	8,626.65	50%
No. 988	Nov. 1, 1930	17,735.26	AY	4,553.88	50%
No. 103	Dec. 1, 1916	1,525.93	AY	465.30	50%
No. 148	Apr. 1, 1919	5,413.97	AY	1,543.18	50%
No. 165	Aug. 1, 1919	2,165.47	AY	573.83	50%
No. 166	Aug. 1, 1919	1,615.71	AY	428.14	50%
No. 167	Oct. 23, 1919	6,073.99	AY	1,709.35	50%
No. 170	Oct. 25, 1919	28,787.89	AY	8,091.98	50%
No. 182	Feb. 2, 1920	2,997.22	AY	793.73	50%
No. 205	July 15, 1920	9,022.67	AY	2,416.09	50%
No. 218	Dec. 1, 1920	10,539.82	AY	2,898.52	50%
No. 308	Feb. 1, 1922	43,319.65	AY	12,768.02	50%
No. 340	Aug. 1, 1922	1,922.65	AY	509.48	50%
No. 341	Aug. 1, 1922	2,114.94	AY	560.44	50%
No. 364	Dec. 15, 1922	1,245.49	AY	339.65	50%
No. 397	Dec. 15, 1922	102,484.62	AY	27,948.56	50%
No. 398	Dec. 15, 1922	3,776.84	AY	1,029.98	50%

SECOND SCHEDULE

PART 1—Continued

By-law Authorizing	Column No. 1 Description of Issue Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 399	Dec. 15, 1922	14,746.49	AY	4,021.51	50%
No. 433	July 1, 1923	1,383.53	AY	373.66	50%
No. 491	Dec. 15, 1923	2,598.41	AY	708.61	50%
No. 493	Dec. 15, 1923	1,815.88	AY	495.20	50%
No. 494	Dec. 15, 1923	1,815.88	AY	495.20	50%
No. 508	Dec. 15, 1923	3,343.43	AY	911.78	50%
No. 510	Dec. 15, 1923	10,919.41	AY	2,977.83	50%
No. 511	Dec. 15, 1923	18,187.55	AY	4,959.92	50%
No. 515	Dec. 15, 1923	4,989.00	AY	1,360.55	50%
No. 536	Dec. 15, 1923	56,573.91	AY	15,428.26	50%
No. 537	Dec. 15, 1923	10,890.89	AY	2,970.05	50%
No. 538	Dec. 15, 1923	233,818.48	AY	63,764.63	50%
No. 542	June 15, 1924	19,295.43	AY	5,262.04	50%
No. 552	Dec. 15, 1923	78,196.28	AY	21,324.90	50%
No. 207	Aug. 5, 1920	30,204.50	AY	8,649.35	50%
No. 209	Aug. 15, 1921	15,770.23	AY	4,487.73	50%
No. 216	Nov. 1, 1920	32,622.00	AY	9,899.14	50%
No. 222	Jan. 1, 1921	23,249.58	AY	6,802.60	50%
No. 237	Feb. 15, 1921	3,439.71	AY	978.84	50%
No. 259	June 1, 1921	12,297.51	AY	3,663.80	50%
No. 263	July 15, 1921	3,741.80	AY	1,085.45	50%
No. 265	Aug. 15, 1921	8,481.70	AY	2,413.63	50%
No. 272	Sept. 15, 1921	32,622.00	AY	9,103.15	50%
No. 275	Nov. 1, 1921	69,354.57	AY	21,045.64	50%
No. 281	Nov. 1, 1921	4,630.08	AY	1,253.27	50%
No. 282	Dec. 1, 1921	36,984.97	AY	11,018.94	50%
No. 297	Feb. 1, 1922	590.90	AY	169.63	50%
No. 303	May 1, 1922	28,264.17	AY	8,576.76	50%
No. 304	May 1, 1922	1,297.37	AY	393.69	50%
No. 313	Aug. 1, 1922	32,797.99	AY	9,415.31	50%
No. 317	June 1, 1922	11,221.83	AY	3,343.32	50%
No. 343 No. 344	July 1, 1922	16,370.68	AY	4,789.89	50%
		$3,172,487.39		$797,558.64	

SECOND SCHEDULE

PART 2

SUNDRY INDEBTEDNESS OF EAST WINDSOR

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
1. PROVINCE OF ONTARIO				
(a) Ontario Housing Act (1919) Loans.....	$ 42,033.89	AX	$ 11,489.23	50%
(Note—As security to the above debt the Province holds debentures amounting to $128,000.00, which are to be surrendered and cancelled.)				
(b) Overpayment of Relief in 1932.....	23,676.32	AX	3,551.45	50%
2. COUNTY OF ESSEX				
Judgment arising out of separation from County, 1931.....	25,393.38	AX	6,183.33	50%
3. TOWNSHIP OF SANDWICH EAST				
(a) Agreement dated April 3, 1922, past due payments.....	13,645.40	AX	1,119.33	50%
(a) Principal unmatured under above agreement, By-law No. 749.	2,090.79	AY	.....	....
(b) Housing Commission contracts assumed....	13,828.85	AX	3,252.62	50%
4. BANK OF MONTREAL				
(a) Current account.....	588,000.00	AX	92,184.98	50%
(b) Capital account.....	581,729.62	AX	90,686.78	50%
5. THE CANADIAN BANK OF COMMERCE				
Expropriation and damage claim re subway.....	196.53	AX	15.11	50%
6. SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY				
Track laying on Tecumseh Road, 1930.....	4,073.61	AY	1,251.50	50%
7. WINDSOR UTILITIES COMMISSION				
As Successor of Walkerville Hydro-Electric System:				
(a) Signal Repairs, 1931..	3,528.94	AX	743.02	50%
(b) Open account re subway.....	24,735.36	AX	5,019.12	50%
As Successors of The Essex Border Utilities Commission:				
(c) Account re subway...	1,082.14	AX	282.63	50%
As Successor of Walkerville-East Windsor Water Commission:				
(d) Account re subway...	133.70	AX	29.05	50%
8. CANADIAN MOTOR LAMP CO. LTD.				
Expropriation and damage claims re subway.....	7,921.46	AX	1,533.28	50%

SECOND SCHEDULE

PART 2—Continued

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
9. D. A. CROLL & COMPANY Expropriation and damage claims re subway.....	131.02	AX	41.31	50%
10. FORD MOTOR CO. OF CANADA LTD. Expropriation and damage claims re subway.....	8,592.08	AX	1,174.62	50%
11. JOSEPH KOVINSKY Expropriation and damage claims re subway.....	15,796.31	AX	3,498.21	50%
12. WILLIAM LEVASSEUR Expropriation and damage claims re subway.....	1,308.79	AX	265.65	50%
13. A. LEVASSEUR Expropriation and damage claims re subway.....	1,177.82	AX	224.76	50%
14. P. OZARD Expropriation and damage claims re subway.....	1,112.40	AX	212.28	50%
15. PLANTE BROS. Expropriation and damage claims re subway.....	2,682.46	AX	680.70	50%
16. CYRIAC PLANTE Expropriation and damage claims re subway.....	3,039.48	AX	773.52	50%
17. J. D. REAUME Expropriation and damage claims re subway.....	5,367.47	AX	2,728.77	50%
18. J. P. RENAUD Expropriation and damage claims re subway.....	3,882.33	AX	675.24	50%
19. MRS. E. LAPPAN Expropriation and damage claims re subway.....	747.30	AX	188.16	50%
20. MRS. E. PLANTE Expropriation and damage claims re subway.....	884.87	AX	223.83	50%
21. CANADIAN BRIDGE COMPANY LIMITED Account re subway.....	1,966.93	AX	535.10	50%
22. CANADIAN NATIONAL RAILWAYS Account re subway.....	27.67	AX	8.23	50%
23. CLEARY DEAN AND NICOLI Account re subway.....	229.90	AX	48.69	50%
24. GUARANTY TRUST COMPANY OF CANADA Re—Estate of Canada Paving & Supply Corp. Ltd. Account re subway.....	51,627.99	AX	11,789.59	50%
	$1,430,644.81		$240,410.09	

SECOND SCHEDULE

PART 3

EAST WINDSOR PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 660	June 15, 1935	$ 35,904.86	AAX	$ 8,159.92	50%
No. 685	Nov. 1, 1925	22,900.00	AAX	5,345.31	50%
No. 724	July 15, 1926	183,000.00	AAX	40,836.45	50%
No. 809	Dec. 1, 1927	13,008.11	AAX	2,981.20	50%
No. 844	Oct. 1, 1928	173,500.00	AAX	40,948.67	50%
No. 606	Dec. 15, 1924	28,556.32	AAY	7,138.77	50%
No. 927	Nov. 1, 1929	73,563.83	AAY	18,833.43	50%
No. 972	Oct. 1, 1930	12,000.00	AAY	3,135.49	50%
No. 91	Aug. 1, 1916	17,292.25	AAY	4,582.27	50%
No. 349	Aug. 1, 1927	104,777.62	AAY	27,765.00	50%
No. 409	June 1, 1923	14,369.31	AAY	3,951.71	50%
No. 410	June 1, 1923	9,483.79	AAY	2,608.14	50%
No. 518	June 15, 1923	188,508.41	AAY	51,408.12	50%
No. 273	April 1, 1922	15,352.36	AAY	4,740.63	50%
		892,216.86		$222,435.11	

SECOND SCHEDULE

PART 4

WALKERVILLE DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 501	Dec. 14, 1913	$ 28,300.70	B	$ 60.19	15%
No. 1233	Mar. 14, 1928	10,344.56	B	22.04	15%
No. 1234	Mar. 14, 1928	17,650.22	B	37.57	15%
No. 593	Dec. 14, 1914	2,904.02	B	6.86	15%
No. 979	Dec. 14, 1923	18,588.31	B	43.87	15%
No. 1086	Dec. 14, 1925	3,039.68	B	7.17	15%
No. 1094	Dec. 14, 1925	96,588.07	B	227.83	15%
No. 1114	Dec. 14, 1925	2,167.21	B	5.11	15%
No. 1127	Dec. 14, 1925	1,222.31	B	2.89	15%
No. 1131	Dec. 14, 1925	2,867.41	B	6.76	15%
No. 1137	Dec. 14, 1925	135,942.19	B	320.82	15%
No. 1155	Dec. 14, 1925	33,448.29	B	78.93	15%
No. 1162	Dec. 14, 1927	50,040.43	B	118.09	15%
No. 1190	Feb. 23, 1927	19,487.18	B	45.99	15%
No. 1196	April 11, 1927	75,839.11	B	179.00	15%
No. 1204 "A"	Dec. 14, 1927	41,086.98	B	96.97	15%
No. 1204 "B"	Dec. 14, 1929	12,003.88	B	28.33	15%
No. 1206	Dec. 14, 1926	7,693.96	B	18.17	15%
No. 1207	Dec. 14, 1926	26,397.07	B	62.28	15%
No. 1209	Dec. 14, 1927	5,877.98	B	13.86	15%
No. 1222	Dec. 14, 1928	19,044.60	B	44.93	15%
No. 1259	Dec. 14, 1928	29,808.50	B	70.33	15%
No. 1261	Dec. 14, 1928	130,623.32	B	308.27	15%
No. 1262	Dec. 14, 1928	44,531.91	B	105.06	15%
No. 1279	Dec. 13, 1929	18,405.08	B	43.45	15%
No. 1281	Dec. 13, 1929	8,545.23	B	20.16	15%
No. 1297	Dec. 12, 1930	10,430.21	B	24.62	15%
No. 1300	Dec. 14, 1929	106,548.88	B	251.46	15%
No. 1301	Dec. 14, 1929	93,980.37	B	221.79	15%
No. 1303	Dec. 14, 1929	50,438.71	B	119.02	15%
No. 563	Dec. 14, 1914	2,062.24	B	5.36	15%
No. 760	Dec. 14, 1919	10,450.57	B	27.16	15%
No. 913	Dec. 14, 1921	18,661.44	B	48.52	15%
No. 949	Dec. 14, 1922	29,087.76	B	75.62	15%
No. 990	Dec. 15, 1924	10,157.57	B	26.39	15%
No. 996	Dec. 14, 1923	116,429.58	B	302.71	15%
No. 1048	Dec. 14, 1924	922.75	B	2.40	15%
No. 1354	May 11, 1932	6,981.30	B	18.14	15%
No. 1378	Dec. 14, 1933	132,984.82	B	345.73	15%
No. 681	Dec. 14, 1917	20,218.58	B	57.29	15%
No. 808	Dec. 14, 1920	18,877.12	B	53.42	15%
No. 812	Dec. 14, 1920	63,508.47	B	179.73	15%
No. 833	Dec. 14, 1920	17,034.35	B	48.21	15%
No. 852	Dec. 14, 1920	14,157.84	B	40.07	15%
No. 853	Dec. 14, 1920	29,201.96	B	82.64	15%
No. 894 "A"	Dec. 14, 1921	10,827.98	B	30.65	15%
No. 894 "B"	Dec. 14, 1921	10,827.98	B	30.65	15%
No. 918	Dec. 14, 1921	29,776.91	B	84.28	15%
		$1,646,015.59		$ 4,050.79	

SECOND SCHEDULE

PART 5

SUNDRY INDEBTEDNESS OF WALKERVILLE

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
PROVINCE OF ONTARIO				
Ontario Housing Act (1919)				
Loans.....	$132,167.64	B	$ 1,670.62	15%

SECOND SCHEDULE

PART 6

WALKERVILLE COLLEGIATE INSTITUTE AND VOCATIONAL SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in Full
No. 1225	Dec. 14, 1927	$ 26,561.14	B	$ 62.65	15%
No. 925	Dec. 14, 1922	101,431.01	B	263.71	15%
No. 1049	Dec. 14, 1924	2,668.84	B	6.94	15%
No. 903	Dec. 14, 1921	401,173.31	B	1,135.33	15%
No. 970	Dec. 14, 1923	6,968.73	B	16.41	15%
No. 976	Dec. 14, 1923	8,144.19	B	19.20	15%
No. 977	Dec. 15, 1923	942.48	B	2.24	15%
No. 1310	Dec. 14, 1930	36,850.07	B	86.97	15%
No. 858	Dec. 14, 1920	5,624.29	B	15.92	15%
No. 887	Dec. 14, 1921	100,270.99	B	283.77	15%
		$690,635.05		$ 1,893.14	

SECOND SCHEDULE

PART 7

WALKERVILLE PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 298	Dec. 15, 1904	$ 2,937.33	BB	$ 6.24	15%
No. 505	Dec. 14, 1913	19,430.96	BB	41.36	15%
No. 533	Dec. 14, 1913	9,715.50	BB	20.64	15%
No. 516	Dec. 14, 1913	6,530.03	BB	15.38	15%
No. 1270	Dec. 14, 1929	229,105.98	BB	540.69	15%
No. 1293	Dec. 14, 1929	41,970.34	BB	99.04	15%
No. 599	Dec. 14, 1914	515.56	BB	1.34	15%
No. 742	Dec. 14, 1919	35,992.73	BB	93.57	15%
		$ 346,198.43		$ 818.26	

SECOND SCHEDULE

PART 8

WINDSOR DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 1353	June 20, 1914	$ 54,274.00	CX	$ 6,577.99	52%
No. 2480	April 1, 1920	190,000.00	CX	27,781.80	52%
No. 3862	Oct. 1, 1928	198,634.38	CX	29,044.30	52%
No. 3887	Oct. 1, 1928	259,088.32	CX	37,883.85	52%
No. 3915	Dec. 1, 1928	54,834.47	CX	7,605.50	52%
No. 4066	Dec. 1, 1930	559,848.09	CX	77,650.92	52%
No. 1538	Mar. 1, 1913	1,528.43	CX	254.59	52%
No. 1539	Mar. 1, 1913	1,528.43	CX	254.59	52%
No. 1638	Nov. 1, 1913	2,632.08	CX	416.45	52%
No. 2136	Jan. 1, 1917	13,896.32	CX	2,082.50	52%
No. 2156	June 1, 1917	1,070.53	CX	191.82	52%
No. 2255	Feb. 1, 1918	18,745.29	CX	3,202.06	52%
No. 3117	Feb. 1, 1924	3,852.84	CX	658.14	52%
No. 3133	Feb. 1, 1924	106,681.53	CX	18,223.33	52%
No. 3290	Sept. 1, 1924	177,802.57	CX	29,616.57	52%
No. 3304	Sept. 1, 1924	104,970.33	CX	17,484.94	52%
No. 3332	Oct. 1, 1924	10,891.82	CX	1,769.48	52%
No. 3377	Dec. 21, 1924	82,319.09	CX	12,347.86	52%
No. 3384	Oct. 1, 1924	16,172.40	CX	2,627.37	52%
No. 3390	Nov. 15, 1925	70,196.08	CX	10,971.62	52%
No. 3391	June 1, 1925	7,053.46	CX	1,087.01	52%
No. 3444	Dec. 1, 1924	99,349.91	CX	15,310.80	52%
No. 3472	Dec. 1, 1925	24,111.93	CX	3,715.85	52%
No. 3505	Dec. 1, 1925	214,108.17	CX	32,996.16	52%
No. 3516	Dec. 1, 1925	35,554.31	CX	5,479.27	52%
No. 3552	Dec. 1, 1925	128,689.10	CX	19,832.26	52%
No. 3646	Dec. 1, 1926	249,867.18	CX	38,506.95	52%
No. 3671	Dec. 30, 1925	12,526.23	CX	1,880.69	52%
No. 2387	June 1, 1919	9,510.93	CY	1,612.28	52%
No. 2439	Dec. 15, 1919	26,503.59	CY	4,436.96	52%
No. 2869	June 1, 1922	126,148.69	CY	21,384.71	52%
No. 2915	June 1, 1922	189,223.04	CY	32,077.07	52%
No. 2970	Nov. 1, 1922	89,687.46	CY	15,609.21	52%
No. 2971	Nov. 1, 1922	27,104.10	CY	4,717.20	52%
No. 3055	April 1, 1923	37,754.48	CY	6,747.10	52%
No. 3088	June 1, 1923	29,015.76	CY	4,918.75	52%
No. 3113	Feb. 1, 1924	43,921.55	CY	8,252.41	52%
No. 3169	Feb. 1, 1924	111,411.48	CY	20,933.10	52%
No. 3199	Feb. 1, 1924	22,361.26	CY	4,201.45	52%
No. 3210	Feb. 1, 1924	11,249.34	CY	2,113.62	52%
No. 3270	Sept. 1, 1924	81,762.08	CY	14,981.25	52%
No. 1834	Dec. 1, 1914	75,000.00	CY	13,869.75	52%
No. 2277	Feb. 1, 1918	25,722.92	CY	5,272.94	52%
No. 2333	Sept. 15, 1918	32,153.63	CY	6,353.22	52%
No. 2338	Oct. 1, 1918	17,148.59	CY	3,343.29	52%
No. 2373	Mar. 1, 1919	22,388.07	CY	4,475.18	52%
No. 2521	Nov. 15, 1920	27,069.89	CY	5,077.24	52%
No. 2523	Mar. 1, 1920	81,209.66	CY	16,232.99	52%
No. 2543	Feb. 1, 1921	74,123.75	CY	15,194.62	52%
No. 2578	Nov. 15, 1920	26,729.69	CY	5,013.41	52%
No. 2584	Nov. 15, 1920	81,209.74	CY	15,231.69	52%
No. 2607	Feb. 1, 1921	7,226.03	CY	1,481.23	52%
No. 2624	Feb. 1, 1921	103,775.45	CY	21,272.92	52%
No. 2636	June 1, 1921	88,950.38	CY	16,449.58	52%
No. 2715	Nov. 1, 1921	17,790.07	CY	3,377.61	52%

SECOND SCHEDULE

PART 8—Continued

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 2749	Sept. 15, 1921	34,580.18	CY	6,832.70	52%
No. 2768	Sept. 15, 1921	88,950.37	CY	17,575.68	52%
No. 2770	Sept. 1, 1921	118,600.51	CY	23,707.04	52%
No. 2790	Mar. 1, 1922	256,674.37	CY	51,306.64	52%
No. 2792	Dec. 1, 1921	9,967.76	CY	1,843.33	52%
No. 2813	Dec. 1, 1921	126,293.55	CY	23,355.46	52%
No. 2865	Mar. 1, 1922	14,758.75	CY	2,950.11	52%
No. 3672	Dec. 1, 1926	29,788.11	CX	4,590.60	52%
No. 3715	Dec. 1, 1926	138,963.58	CX	21,415.67	52%
No. 3719	Dec. 1, 1926	52,900.43	CX	8,152.47	52%
No. 3720	Dec. 1, 1926	150,624.86	CX	23,212.75	52%
No. 3770	Dec. 1, 1926	56,846.21	CX	8,760.56	52%
No. 3771	Dec. 1, 1926	89,195.45	CX	13,745.90	52%
No. 3776	July 15, 1927	44,143.21	CX	6,530.53	52%
No. 3779	Dec. 1, 1927	25,591.12	CX	3,943.82	52%
No. 3838	Dec. 1, 1927	462,860.90	CX	71,331.50	52%
No. 3839	Dec. 1, 1927	11,533.89	CX	1,777.44	52%
No. 3840	Oct. 1, 1928	65,223.81	CX	10,596.26	52%
No. 3844	Dec. 2, 1929	664,292.38	CX	102,374.08	52%
No. 3854	Dec. 1, 1927	56,602.51	CX	8,722.98	52%
No. 3855	Dec. 1, 1927	267,382.87	CX	41,206.34	52%
No. 3902	Dec. 2, 1929	166,084.77	CX	25,595.31	52%
No. 3912	Dec. 1, 1927	17,311.92	CX	2,667.93	52%
No. 3916	Dec. 1, 1928	273,668.69	CX	42,175.08	52%
No. 3970	Dec. 1, 1929	6,000.00	CX	924.66	52%
No. 3973	Nov. 1, 1930	56,107.58	CX	8,877.31	52%
No. 3981	Dec. 1, 1929	109,569.30	CX	16,885.72	52%
No. 3998	Dec. 1, 1930	18,409.91	CX	2,837.12	52%
No. 3999	Dec. 1, 1929	480,976.60	CX	74,123.29	52%
No. 4001	Dec. 1, 1929	82,250.16	CX	12,675.51	52%
No. 4041	Dec. 31, 1929	62,974.37	CX	9,446.11	52%
No. 4058	Dec. 1, 1930	10,382.82	CX	1,600.09	52%
No. 1765	July 1, 1914	7,724.92	CY	1,273.45	52%
No. 1866	Dec. 22, 1914	5,906.28	CY	982.57	52%
No. 1906	April 15, 1915	32,531.89	CY	5,745.12	52%
No. 1944	Aug. 1, 1915	11,288.05	CY	2,120.91	52%
No. 1960	Dec. 15, 1915	14,665.41	CY	2,455.13	52%
No. 2010	Feb. 15, 1916	12,795.29	CY	2,377.23	52%
No. 2066	July 1, 1916	14,665.41	CY	2,417.59	52%
No. 2068	July 1, 1916	11,732.35	CY	1,934.08	52%
No. 2151	June 1, 1917	17,866.69	CY	3,028.76	52%
No. 2167	June 1, 1917	58,520.68	CY	9,920.41	52%
No. 2866 / No. 3193	Feb. 1, 1924	87,480.80	CY	17,932.58	52%
No. 2867	Mar. 1, 1922	16,042.16	CY	3,206.66	52%
No. 2914	June 1, 1922	5,943.15	CY	1,099.06	52%
		$8,533,052.94		$1,386,318.99	

SECOND SCHEDULE

PART 9

SUNDRY INDEBTEDNESS OF WINDSOR

Creditor	Col. No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. PROVINCE OF ONTARIO				
Ontario Housing Act (1919)				
Loan	$383,467.17	CX	$60,823.28	52%
(Note—As security to the above debt the Province holds debentures amounting to $800,000.00, which are to be surrendered and cancelled.)				
2. TOWNSHIP OF SANDWICH WEST				
Debentures assumed:				
By-law No. 560 (1922)	$ 4,980.33	CY	$ 1,146.17	52%
By-law No. 606 (1928)	3,065.49	CY	644.52	52%
By-law No. 746 (1928)	10,236.07	CY	2,200.86	52%
	$401,749.06		$64,814.83	

SECOND SCHEDULE

PART 10

WINDSOR COLLEGIATE INSTITUTE AND VOCATIONAL SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
*No. 1315	June 1, 1909	$ 6,873.56	CX	$ 953.36	52%
No. 1907	April 15, 1915	60,717.48	CX	9,748.18	52%
No. 2046	July 1, 1916	57,952.88	CX	8,684.80	52%
No. 3118	Feb. 1, 1924	43,207.76	CX	7,380.72	52%
No. 3396	June 1, 1925	6,889.83	CX	1,061.79	52%
No. 3914	Dec. 1, 1928	617,252.62	CX	95,124.74	52%
No. 3960	Dec. 1, 1929	85,416.98	CX	13,163.59	52%
No. 4015	Nov. 1, 1930	224,122.95	CX	35,460.73	52%
*No. 1738	May 1, 1914	79,288.96	CY	15,053.80	52%
No. 2326	Mar. 1, 1919	19,028.99	CY	3,803.68	52%
*No. 2463	Mar. 1, 1920	5,648.67	CY	1,034.98	52%
No. 2681	Sept. 15, 1921	29,831.01	CY	5,894.28	52%
No. 2955	June 1, 1922	552,987.09	CY	93,742.34	52%
No. 3114	Feb. 1, 1924	26,971.99	CY	5,067.77	52%
No. 3115	Feb. 1, 1924	3,120.83	CY	586.37	52%
		$1,819,311.60		$296,761.13	

*—The debt represented by the above issues, while originally incurred for public school purposes, is being refunded as if it had been incurred for collegiate institute purposes by reason of the cancellation of debentures purchased for and held in the Sinking Funds of the City of Windsor.

SECOND SCHEDULE

PART 11

WINDSOR PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 1120	June 1, 1904	$ 6,897.97	CCX	$ 956.75	52%
No. 1470	May 1, 1912	33,761.33	CCX	4,807.61	52%
No. 4042	Dec. 29, 1930	16,994.49	CCX	2,357.13	52%
No. 3174	Feb. 1, 1924	18,135.85	CCX	3,097.94	52%
No. 3206 / No. 3289	Sept. 1, 1924	179,426.42	CCX	29,887.10	52%
No. 3395	June 1, 1925	5,806.40	CCX	894.82	52%
No. 3490	Dec. 1, 1925	58,345.41	CCX	8,991.52	52%
No. 3491	Dec. 1, 1925	42,686.10	CCX	6,578.31	52%
No. 3591	Dec. 1, 1926	343,811.74	CCX	52,984.75	52%
No. 3959	Dec. 1, 1929	6,000.00	CCX	924.66	52%
No. 4006	Nov. 1, 1930	374,050.57	CCX	59,182.27	52%
No. 2245	Feb. 1, 1918	23,163.42	CCY	4,352.16	52%
No. 2416	Dec. 15, 1919	4,770.60	CCY	798.64	52%
No. 2424	Dec. 15, 1919	34,454.68	CCY	5,768.06	52%
No. 2453	Dec. 15, 1919	7,951.08	CCY	1,331.09	52%
No. 2464	Mar. 1, 1920	270,826.70	CCY	49,623.53	52%
No. 2512	Feb. 1, 1921	87,853.60	CCY	16,506.80	52%
No. 2988	April 1, 1923	388,517.35	CCY	69,431.90	52%
No. 1598	July 1, 1913	38,750.00	CCY	6,968.41	52%
No. 2634	June 1, 1921	385,233.35	CCY	71,241.19	52%
No. 2743	Sept. 15, 1921	83,932.97	CCY	16,584.27	52%
		$2,411,370.03		$413,268.91	
School debentures of the Township of Sandwich West Assumed:—					
No. 532	1922	4,039.78	CCY	895.82	52%
No. 552	1922	2,195.77	CCY	477.84	52%
		$2,417,605.58		$414,642.57	

SECOND SCHEDULE

PART 12

SANDWICH DEBENTURE ISSUES

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 440	Mar. 25, 1912	$ 378.51	DX	$ 90.27	*12%
No. 441	Mar. 25, 1912	718.01	DX	171.24	*12%
No. 458	Nov. 20, 1912	955.13	DX	196.39	*12%
No. 460	Feb. 1, 1913	534.95	DX	104.65	*12%
No. 468	Oct. 1, 1913	746.02	DX	158.50	*12%
No. 470	Oct. 1, 1913	1,044.43	DX	221.89	*12%
No. 1572	Dec. 1, 1926	7,790.18	DX	1,590.04	*12%
No. 1577	Dec. 1, 1926	87,881.12	DX	17,937.35	*12%
No. 1581	April 1, 1927	1,269.14	DX	301.44	*12%
No. 1657	Dec. 1, 1928	2,266.02	DX	462.52	*12%
No. 507	Sept. 1, 1914	1,128.81	DY	268.91	*12%
No. 1339	Dec. 15, 1924	25,176.06	DY	5,599.40	*12%
No. 1414	Nov. 1, 1925	56,223.35	DY	12,877.39	*12%
No. 1415	Nov. 1, 1925	28,217.51	DY	6,462.94	*12%
No. 1450	April 3, 1926	22,678.34	DY	5,918.81	*12%
No. 1461	April 3, 1926	20,117.17	DY	5,250.36	*12%
No. 1462	April 3, 1926	4,679.54	DY	1,221.31	*12%
No. 1464	April 3, 1926	5,449.91	DY	1,422.37	*12%
No. 1620	Sept. 14, 1927	31,618.05	DY	7,470.41	*12%
No. 1635	Oct. 1, 1928	4,311.07	DY	1,007.54	*12%
No. 1664	Dec. 1, 1927	40,067.06	DY	8,995.84	*12%
No. 1671	Dec. 15, 1928	10,662.72	DY	2,371.51	*12%
No. 1672	Dec. 1, 1927	47,417.77	DY	10,646.24	*12%
No. 1686	Feb. 1, 1928	300,557.90	DY	64,674.03	*12%
No. 1687	Feb. 1, 1928	126,674.03	DY	27,257.71	*12%
No. 1689	Dec. 1, 1927	36,280.07	DY	8,145.59	*12%
No. 1704	July 1, 1928	59,218.91	DY	14,660.87	*12%
No. 1705	Dec. 15, 1928	4,651.85	DY	1,034.61	*12%
No. 1711	Dec. 1, 1927	39,607.77	DY	8,892.72	*12%
No. 1837	Dec. 15, 1928	78,075.64	DY	17,364.83	*12%
No. 1848	Dec. 15, 1928	20,847.14	DY	4,636.62	*12%
No. 1859	Dec. 15, 1928	7,764.33	DY	1,726.84	*12%
No. 1887	Dec. 15, 1928	23,123.68	DY	5,142.94	*12%
No. 1923	Jan. 1, 1930	3,361.57	DY	739.02	*12%
No. 1927	June 1, 1929	30,300.63	DY	6,803.08	*12%
No. 1934	Dec. 16, 1929	6,167.20	DY	1,370.72	*12%
No. 1981	Dec. 1, 1929	9,990.12	DY	2,242.99	*12%
No. 1988	Dec. 16, 1929	27,192.76	DY	6,043.84	*12%
No. 2002	Dec. 16, 1929	235,647.70	DY	52,375.04	*12%
No. 2040	June 15, 1930	12,395.10	DY	2,756.79	*12%
No. 2042	June 1, 1929	17,084.58	DY	3,835.82	*12%
No. 2043	June 1, 1929	26,437.71	DY	5,935.79	*12%
No. 2052	Dec. 15, 1930	13,373.82	DY	2,974.46	*12%
No. 2059	Dec. 15, 1930	22,340.34	DY	4,968.72	*12%
No. 2105	Dec. 15, 1930	39,339.16	DY	8,749.41	*12%
No. 2107	Dec. 15, 1930	3,459.99	DY	769.52	*12%
No. 2108	June 15, 1930	21,530.00	DY	4,788.47	*12%
No. 2109	Dec. 15, 1930	20,288.19	DY	4,512.30	*12%
No. 1831	Dec. 15, 1929	37,939.50	DY	8,815.60	*12%
No. 537	Feb. 1, 1915	2,070.76	DY	486.10	*12%
No. 600	Mar. 14, 1916	4,399.47	DY	1,267.05	*12%
No. 664	Mar. 1, 1917	863.87	DY	241.97	*12%
No. 682	May 1, 1917	1,491.81	DY	417.86	*12%
No. 693	May 1, 1917	421.83	DY	118.16	*12%
No. 742	Mar. 1, 1918	818.46	DY	237.46	*12%

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 12—Continued

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
No. 744	Mar. 1, 1918	14,277.28	DY	4,142.41	*12%
No. 757	May 1, 1917	2,027.39	DY	567.89	*12%
No. 761	Mar. 1, 1918	683.27	DY	198.25	*12%
No. 765	May 1, 1918	20,392.05	DY	5,711.99	*12%
No. 833	Dec. 15, 1919	28,324.56	DY	6,872.36	*12%
No. 871	May 1, 1920	20,455.68	DY	5,729.83	*12%
No. 1008	Feb. 1, 1921	11,860.05	DY	2,784.02	*12%
No. 970	Mar. 15, 1921	63,802.06	DY	18,364.15	*12%
No. 974	Mar. 15, 1921	26,637.51	DY	7,667.06	*12%
No. 1037	Dec. 1, 1921	66,761.36	DY	16,351.85	*12%
No. 1080	Nov. 1, 1922	759.59	DY	189.79	*12%
No. 1083	Nov. 1, 1922	3,133.61	DY	782.96	*12%
No. 1102	Nov. 1, 1922	28,716.31	DY	7,175.05	*12%
No. 1128	Nov. 1, 1922	17,832.90	DY	4,455.73	*12%
No. 1136	May 1, 1923	13,052.95	DY	3,656.15	*12%
No. 1215	Dec. 14, 1923	62,548.80	DY	15,186.19	*12%
No. 1218	Dec. 3, 1923	5,288.33	DY	1,293.52	*12%
No. 1235	Dec. 15, 1923	35,767.12	DY	8,678.17	*12%
No. 1256	Feb. 15, 1924	32,246.55	DY	7,495.38	*12%
No. 1263	Feb. 15, 1924	13,243.41	DY	3,078.30	*12%
No. 1270	June 1, 1924	8,531.05	DY	2,346.11	*12%
No. 1321	Nov. 1, 1925	50,974.38	DY	12,736.45	*12%
No. 1335	Mar. 1, 1925	18,511.18	DY	5,370.82	*12%
No. 1337	Mar. 1, 1925	5,860.90	DY	1,700.47	*12%
No. 1342	Mar. 1, 1925	2,371.85	DY	688.17	*12%
No. 1343	Mar. 1, 1925	9,140.66	DY	2,652.07	*12%
No. 1352	Mar. 1, 1925	42,229.47	DY	12,252.45	*12%
No. 1463	April 3, 1926	6,763.10	DY	1,925.52	*12%
		$2,247,240.13		$524,787.36	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 13

SUNDRY INDEBTEDNESS OF SANDWICH

Creditor	Column No. 1 Claim	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. PROVINCE OF ONTARIO				
Ontario Housing Act (1919) Loan	$ 45,783.12	DX	$ 10,767.22	*12%
Note—As security to the above debt the Province holds debentures amounting to $108,000.00, which are to be surrendered and cancelled.				
2. TOWNSHIP OF SANDWICH WEST				
Debentures issued under the following By-laws:				
(a) By-law No. 560	418.07	DY	121.30	*12%
(b) By-law No. 687	8,664.03	DY	2,526.60	*12%
(c) By-law No. 747	15,657.13	DY	4,305.87	*12%
3. IMPERIAL BANK OF CANADA				
‡Current Account	209,065.91	DX	36,098.63	*12%
‡Capital Account	131,471.52	DX	19,572.16	*12%
‡—Note—The Imperial Bank of Canada by letter dated January 4th, 1936, claimed to exercise an alleged right to set off against the above mentioned indebtedness certain balances totalling $298,389.64 and stated to be at the credit of the Town of Sandwich, including a Debenture Redemption Trust Account. The said balances were the property of the New City subject to the rights of Sandwich debenture holders in respect of a certain portion thereof. Legal proceedings have been commenced against the Bank for the recovery of the said balances.				
4. WINDSOR UTILITIES COMMISSION As Successor to Sandwich Hydro-Electric Commission April 7th, 1932, Sandwich Street Widening	2,633.40	DX	491.69	*12%
	$413,693.18		$ 73,883.47	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 14

SANDWICH HIGH SCHOOL DEBENTURE ISSUES

By-law Authorizing	Column No. 1 Description of Issue Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
(x) No. 1494	Dec. 1, 1925	$ 10,134.62	DY	$ 2,275.42	*12%
(y) No. 1640	July 1, 1927	3,298.21	DY	816.54	*12%
(z) No. 2070	Dec. 15, 1930	885.59	DY	196.96	*12%
No. 1073	Nov. 1, 1922	16,846.54	DY	4,209.27	*12%
No. 1107	Nov. 1, 1922	182,934.13	DY	45,707.92	*12%
No. 1217	Dec. 15, 1923	15,519.01	DY	3,765.37	*12%
		$229,618.10		$ 56,971.48	

(x) Debentures Nos. 40-41 and 42-52 both inclusive only.
(y) Debentures Nos. 172-175 inclusive only.
(z) Debentures Nos. 8 and 18 only.

Note: The above Debenture Issues were originally issued for public school purposes in connection with the General Byng School, but are being refunded as High School Debenture Issues pursuant to the provisions of The City of Windsor (Amalgamation) Amendment Act, 1936.

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 15

SANDWICH PUBLIC SCHOOL DEBENTURE ISSUES

Column No. 1 Description By-law Authorizing	Date	Amount	Col. No. 2 New Debenture Series	Col. No. 3 Interest Accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
‡No. 1494	Dec. 1, 1925	$ 54,061.80	DDY	$ 12,137.96	*12%
‡No. 1640	July 1, 1927	145,700.21	DDY	36,071.02	*12%
No. 1767	Dec. 16, 1929	24,290.75	DDY	5,398.84	*12%
No. 1914	Jan. 1, 1930	171,006.86	DDY	37,595.76	*12%
‡No. 2070	Dec. 15, 1930	12,114.41	DDY	2,694.36	*12%
No. 519 No. 505	Nov. 1, 1914	37,302.00	DDY	9,320.26	*12%
No. 771	Sept. 1, 1918	3,650.22	DDY	948.66	*12%
No. 830	Oct. 1, 1919	55,062.97	DDY	14,038.83	*12%
No. 975	Mar. 15, 1921	4,026.71	DDY	1,158.98	*12%
No. 1022	Dec. 1, 1921	17,325.52	DDY	4,243.52	*12%
		$524,541.45		$123,608.19	

*—See Article VI for conditions under which this may become payable.
‡—Other than the Debentures included in Part 14.

SECOND SCHEDULE

PART 16

THE WALKERVILLE-EAST WINDSOR WATER COMMISSION DEBENTURE ISSUES IN RESPECT OF WHICH EAST WINDSOR AND WALKERVILLE WERE EQUALLY LIABLE

Column No. 1 Description of Issue By-law Authorizing	Date	Amount	Column No. 2 New Debenture Series
No. 7	Dec. 12, 1930	$ 61,286.93	AX B
No. 3	June 30, 1930	692,213.17	AY B
		$753,500.10	

Note—Interest on these debentures has been paid in full to December 31, 1935.

SECOND SCHEDULE

PART 17

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE DEBENTURE DEBT OF THE ESSEX BORDER UTILITIES COMMISSION

Column No. 1		Col. No. 2 Refunding Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
East Windsor	$224,212.39	AY	$50,997.53	50%
Walkerville	188,742.93	B	42,150.05	15%
Windsor	819,389.80	CY	181,212.83	52%
Sandwich	189,104.24	DY	42,087.52	12%*
	$1,421,449.36		$316,447.93	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 18

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE CAPITAL LIABILITY OF SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY

Column No. 1		Col. No. 2 New Debenture Series
EAST WINDSOR		
Capital Liability	$ 463,724.00	AX
	22,000.00	AY
Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of East Windsor amounting to $429,538.00, issued under the authority of By-laws Nos. 175, 258, 406, 407, 655, 656, 714 and 717, which debentures are to be surrendered and cancelled.		
WALKERVILLE		
Capital Liability	$ 780,943.00	B
Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Walkerville amounting to $759,593.00, issued under the authority of By-laws Nos. 777, 871, 952, 959, 1095, 1099, 1126 and 1153, which debentures are to be surrendered and cancelled.		
WINDSOR		
Capital Liability	$2,258,597.00	CX
	457,500.00	CY
Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Windsor amounting to $2,705,772.00, issued under the authority of By-laws Nos. 2468, 2713, 3067, 3068, 3069, 3446, 3453, 3555 and 3572, which debentures are to be surrendered and cancelled.		
SANDWICH		
Capital Liability	$ 614,607.00	DX
	133,000.00	DY
Note—As collateral security for the capital liability there are on deposit with the Trustee for the Railway debentures of Sandwich amounting to $747,607.00, issued under the authority of By-laws Nos. 847, 983, 1143, 1144, 1377, 1378, 1449 and 1481, which debentures are to be surrendered and cancelled.		

SECOND SCHEDULE

PART 19

INDEBTEDNESS OF THE AMALGAMATED MUNICIPALITIES IN RESPECT OF THE OPERATING DEFICITS OF, AND THE BONDS DATED JUNE 1st, 1933, ISSUED BY, SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY COMPANY

Column No. 1 Operating Deficits	Col. No. 2 New Debenture Series	Column No. 3 Interest accrued to Dec. 31st, 1935, on the operating deficits and on the capital liability of the said Railway set out in Part 18 of this Schedule 2 which interest was paid by the issue of bonds dated June 1st, 1933.	Col. No. 4 Percentage in full
EAST WINDSOR.... $ 37,063.03	AY	$ 109,567.39	50%
WALKERVILLE..... 59,589.59	B	176,165.54	15%
WINDSOR..... 207,250.79	CY	612,702.03	52%
SANDWICH..... 57,045.89	DY	168,647.46	12%*
$360,949.30		$1,067,082.42	

*—See Article VI for conditions under which this may become payable.

SECOND SCHEDULE

PART 20

INDEBTEDNESS OF WINDSOR IN RESPECT OF THE BOND ISSUE OF THE WINDSOR, ESSEX AND LAKE SHORE ELECTRIC RAILWAY ASSOCIATION

Column No. 1	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
Share of original bond issue.....$322,260.00	CY	$ 85,395.68	52%

Note—As security to the original bond issue of the Railway there are on deposit debentures of Windsor amounting to $354,488.00, issued under authority of By-law No. 3928, which are to be surrendered and cancelled.

SECOND SCHEDULE

PART 21

INDEBTEDNESS OF WINDSOR IN RESPECT OF THE DEBENTURE AND OTHER DEBT OF WINDSOR, ESSEX AND LAKE SHORE ELECTRIC RAILWAY ASSOCIATION

Column No. 1		Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. Amount of debenture and other debt for which new debentures are to be issued forthwith.....	$ 90,232.80	CY	$ 19,417.85	52%
2. Amount of debenture and other debt for which new debentures will not be issued forthwith....	209,767.20	CY	.....	....

SECOND SCHEDULE

PART 22

INDEBTEDNESS OF WALKERVILLE AND WINDSOR TO THE CANADIAN BANK OF COMMERCE

Bank	Col. No. 1 Debt	Col. No. 2 New Debenture Series	Col. No. 3 Interest accrued to Dec. 31, 1935	Col. No. 4 Percentage in full
1. Capital Account (Walkerville).$	271,900.00	B	$ 148.99	15%
2. Current Account (Windsor)..	1,112,960.58	CX	.....	....
3. Capital Account (Windsor)...	669,736.24	CX	103,252.22	52%

Note (1) The debt on current account of Windsor to The Canadian Bank of Commerce is the amount arrived at after deducting the balance as of December 31/35 in the tax arrears account, namely, $6,457.55, and also the sum of $300,000.00 which is to be paid to the Bank by the City forthwith on the approval of this Plan on account of loans and advances made by the Bank to the Supervisors of Windsor, the balance owing on such loans and advances to the Supervisors being included in the balance of the current account.

Note (2) As collateral security to the Windsor loans there were hypothecated with the Bank prior to December 31st, 1935, debentures totalling $529,811.33 which are to be surrendered and cancelled.

THIRD SCHEDULE

UNPRESENTED COUPONS

Being interest coupons on debentures of the Amalgamated Municipalities which accrued due prior to default in payment of interest in respect of such debentures, and which coupons were not presented for payment prior to such default.

EAST WINDSOR

By-law No.	Debenture No.	Coupon No.	Amount
No. 103	14	14	44.44
No. 218	28	21	6.81
No. 222	59	21	8.23
No. 243-4	16	8	18.62
No. 297	101	17	30.00
	102	17	30.00
	177	17	30.00
No. 508	10	15	35.40
No. 536	71	8	30.00
	73	15	30.00
	80	15	30.00
	24	15	30.00
No. 537	28	15	30.00
No. 538	133	14	30.00
	139	15	30.00
	157	15	30.00
No. 627	114	13	13.75
No. 626	156	10	2.75
	134	13	13.75
No. 707	105	10	15.23
	105	11	15.23
	125	9	25.00
	125	11	25.00
	137	11	25.00
	138	11	25.00
	139	11	25.00
No. 708	124	11	25.00
	142	11	10.59
	154	11	25.00
	155	11	25.00
	156	11	25.00
	157	11	25.00
	158	11	25.00
No. 723	68	10	18.33
No. 750	B 17	7	12.50
	B 17	8	12.50
	B 17	9	12.50
	B 68	9	12.50
No. 757	111	9	26.53
	214	7	25.00
	214	9	25.00
	223	9	12.50
	223	8	12.50
	244	9	12.50
	245	9	12.50
	246	9	12.50
	271	9	12.50
	272	9	12.50
	273	9	12.50
	274	9	12.50
	275	9	12.50
	276	9	12.50
	277	9	12.50

THIRD SCHEDULE

EAST WINDSOR—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	278	9	12.50
	279	9	12.50
	280	9	12.50
	281	9	12.50
	282	9	12.50
No. 757	283	9	12.50
	284	9	12.50
	285	9	12.50
	286	9	12.50
	287	9	12.50
No. 758	39	9	25.00
	47	9	25.00
No. 823	7	7	12.50
No. 829	6	7	22.66
No. 845	51	7	25.00
	52	7	25.00
	60	7	25.00
	65	7	12.50
	141	7	25.00
No. 888	185	4	25.00
	185	5	25.00
	186	5	25.00
	187	5	25.00
	188	5	25.00
	189	5	25.00
No. 945	132	2	27.50
	132	3	27.50
	172	3	27.50
	182	3	13.75
No. 987	19	1	27.50
	26	1	27.50
No. 988	8	1	27.50
No. 91	35	15	45.95
No. 91	38	15	55.90
	42	15	6.46
	46	15	17.65
	50	15	29.50
	54	15	42.08
No. 349	42	18	30.00
	81	18	13.62
No. 409	17	16	21.36
	21	16	27.70
No. 410	14	16	8.08
	16	16	10.37
No. 518	222	16	30.39
	151	11	30.00
No. 660	A 16	12	2.50
	A 18	11	2.50
	A 19	11	2.50
	A 20	11	2.50
	A 13	12	2.50
No. 685	6	11	12.50
	7	11	12.50
	8	11	12.50
No. 724	18	9	25.00
	18	10	25.00
	19	9	25.00
	19	10	25.00
	20	9	25.00
	20	10	25.00
	21	9	25.00

THIRD SCHEDULE

EAST WINDSOR—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	21	10	25.00
	49	10	25.00
	51	10	25.00
	52	10	25.00
	53	10	25.00
	97	10	25.00
	99	10	25.00
	100	10	25.00
No. 724	126	10	25.00
	127	10	25.00
	180	8	25.00
	180	9	25.00
	180	10	25.00
	181	10	25.00
No. 659	B 20	12	12.50
	B 22	12	12.50
	B 23	12	12.50
	B 24	12	12.50
	B104	12	12.50
	B128	10	12.50
No. 753	13	5	25.00
No. 586	44	7	13.75
No. 405	11	14	27.50
	22	16	15.89
No. 821	41	7	13.69
			$2,850.96

THIRD SCHEDULE

UNPRESENTED COUPONS

being interest coupons on debentures of the Amalgamated Municipalities which accrued due prior to default in payment of interest in respect of such debentures, and which coupons were not presented for payment prior to such default.

WALKERVILLE

By-law No.	Debenture No.	Coupon No.	Amount
		1932	
No. 979	32	9	$50.00
No. 1155	54	7	25.00
		1933	
No. 1155	54	8	25.00
No. 1261	214	5	50.00
		1934	
No. 812	358	27	30.00
No. 925	76	12	55.00
	77	12	55.00
	78	12	55.00
	79	12	55.00
	80	12	55.00
	88	12	55.00
	89	12	55.00
	90	12	55.00
	91	12	55.00
	92	12	55.00
	94	12	55.00
	95	12	55.00
	96	12	55.00
	97	12	55.00
	98	12	55.00
	99	12	55.00
	101	12	55.00
	102	12	55.00
	103	12	55.00
	104	12	55.00
	105	12	55.00
	106	12	55.00
	111	12	55.00
	112	12	55.00
	113	12	55.00
No. 996	195	11	55.00
No. 1137	196	9	50.00
No. 1137	197	9	50.00
No. 1137	198	9	50.00
No. 1155	54	9	25.00
No. 1206	18	8	25.00
No. 1261	214	6	50.00
		1935	
No. 298		Interest included in face value of Debenture No. 30	132.24
No. 501	138	Interest on past-due Debentures (1934)	13.65
No. 563	366	" " " "	50.00
	367	" " " "	63.42
No. 808	89	" " " "	60.00
	90	" " " "	60.00
No. 812	331	" " " "	60.00
	332	" " " "	60.00

THIRD SCHEDULE

WALKERVILLE—Continued

By-law No.	Debenture No.	Coupon No.	Amount
	333	" " " "	60.00
	334	" " " "	60.00
	335	" " " "	60.00
	336	" " " "	60.00
	337	Interest on past-due Debentures (1934)	60.00
	338	" " " "	60.00
No. 812	340	" " " "	60.00
	341	" " " "	60.00
	342	" " " "	60.00
	343	" " " "	60.00
	344	" " " "	60.00
	345	" " " "	60.00
	346	" " " "	60.00
	347	" " " "	60.00
	348	" " " "	60.00
	349	" " " "	60.00
	350	" " " "	60.00
	351	" " " "	60.00
	352	" " " "	60.00
	353	" " " "	60.00
	354	" " " "	60.00
	355	" " " "	60.00
	356	" " " "	60.00
	357	" " " "	60.00
	358	" " " "	60.00
	359	" " " "	60.00
	360	" " " "	60.00
	361	" " " "	39.28
No. 852	68	" " " "	60.00
	69	" " " "	60.00
	70	" " " "	60.00
No. 887	85	Coupon 14	60.00
	86	14	60.00
	87	14	60.00
No. 894B	50	28	16.56
No. 903	128	14	60.00
No. 918	32	Interest on past-due Debentures (1934)	60.00
No. 925	76	Coupon 13	55.00
	77	13	55.00
	78	13	55.00
	79	13	55.00
	80	13	55.00
	88	13	55.00
	89	13	55.00
	90	13	55.00
	91	13	55.00
	92	13	55.00
	94	13	55.00
	95	13	55.00
	96	13	55.00
	97	13	55.00
	98	13	55.00
	99	13	55.00
	101	13	55.00
	102	13	55.00
	103	13	55.00
	104	13	55.00
	105	13	55.00
	106	13	55.00
	111	13	55.00
	112	13	55.00
	113	13	55.00
No. 949	27	13	55.00
	38	13	55.00

THIRD SCHEDULE—Continued

UNPRESENTED COUPONS

By-law No.	Debenture No.	Coupon No.	Amount
No. 949	39	13	55.00
	42	13	55.00
	43	13	55.00
	44	13	55.00
	46	13	55.00
	47	13	55.00
	48	13	55.00
	50	13	55.00
	51	13	55.00
No. 976	18	Interest on past-due Debentures (1934)	23.70
No. 979	19	" " " "	23.89
	195	Coupon 12	55.00
No. 1086	242	Interest on past-due Debentures (1934)	50.00
No. 1094	168	Coupon 11	50.00
	124	Interest on past-due Debentures (1934)	10.01
No. 1114	17	" " " "	25.00
No. 1131	13	" " " "	50.00
No. 1137	196	Coupon 10	50.00
	197	10	50.00
	198	10	50.00
	128	Interest on past-due Debentures (1934)	50.00
	129	" " " "	50.00
	130	" " " "	50.00
	131	" " " "	50.00
No. 1155	54	Coupon 10	25.00
No. 1196	99	9	50.00
	100	9	25.00
	126	9	50.00
	127	9	50.00
	128	9	50.00
	129	9	50.00
No. 1206	12	9	25.00
	18	9	25.00
No. 1259	41	7	50.00
	50	7	50.00
	55	7	50.00
	56	7	50.00
	57	7	50.00
No. 1261	172	7	50.00
	173	7	50.00
	214	7	50.00
	111	Interest on past-due Debentures (1934)	50.00
	112	" " " "	50.00
	113	" " " "	50.00
	114	" " " "	50.00
	115	" " " "	50.00
	116	" " " "	50.00
	117	" " " "	50.00
	118	" " " "	50.00
	119	" " " "	50.00
	120	" " " "	50.00
	121	" " " "	50.00
	122	" " " "	50.00
	123	" " " "	50.00
	124	" " " "	50.00
	125	" " " "	50.00
	126	" " " "	50.00
	127	" " " "	50.00
	128	" " " "	50.00
	130	" " " "	6.98
No. 1262	21	" " " "	50.00
	23	" " " "	50.00

THIRD SCHEDULE

WALKERVILLE—Continued

By-law No.	Debenture No.	Coupon No.	Amount
No. 1293	26	Coupon 11	13.71
	26	12	13.71
	51	12	25.00
	52	12	25.00
No. 1310	47	9	25.00
	47	10	25.00
No. 1378	24	4	5.90
	100	4	27.50
			$9,050.55

THIRD SCHEDULE

UNPRESENTED COUPONS

WINDSOR

By-law No.	Debenture No.	Coupon No.	Amount
No. 2584	102	10	$6.58
	102	24	6.58
No. 2768	65	6	30.00
No. 2915	193	21	27.50
	305	21	5.68
	241	21	27.50
No. 3646	81	3	25.00
No. 2634	103	23	30.00
No. 1598	25	39	30.00
No. 1738	54	37	30.00
No. 2046	92	33	25.00
No. 3914	58	8	12.50
	453	7	25.00
	453	8	25.00
	454	7	12.50
	454	8	12.50
	521	8	13.21
No. 2955	94	17	27.50
	112	17	27.50
No. 2813	75	22	30.00
No. 3505	98	14	25.00
	206	14	12.50
No. 3771	146	3	17.16
No. 3855	174	8	25.00
	175	8	25.00
	251	8	9.04
	191	7	25.00
No. 3981	66	6	16.79
No. 2792	21	7	12.31
No. 3854	22	10	25.00
	28	10	12.50
No. 4041	71	6	25.00
No. 2869	137	21	27.50
No. 2715	37	21	14.03
	37	22	14.03
No. 2865	12	21	3.59
No. 3720	59	12	12.50
	85	12	25.00
	86	12	25.00
No. 3844	359	6	25.00
	360	6	25.00
	361	6	25.00
	363	6	25.00
No. 3902	85	6	2.84
No. 3776	20	11	25.00
	21	11	25.00
	63	11	12.50
	68	11	12.50
No. 3516	46	7	12.50
No. 2136	38	32	16.02
No. 3174	15	9	7.97
No. 1598	21	25	30.00
No. 2903	250	9	30.00
No. 2915	47	5	27.50
	81	1	27.50
			$1,110.83

THIRD SCHEDULE

UNPRESENTED COUPONS

SANDWICH

By-law No.	Debenture No.	Coupon No.	Amount
No. 975	10	10	$ 9.79
No. 1102	54	7	60.00
No. 1263	42	7	63.90
No. 1215	28	8	60.00
	50	8	40.85
	63	8	60.00
	81	8	60.00
	82	8	60.00
	83	8	60.00
	84	8	60.00
No. 1343	6	6	24.62
No. 1577	128	5	50.00
No. 1640	32	4	19.70
No. 1172	58	4	55.00
No. 1687	45	4	29.53
	54	4	27.50
No. 1686	110	3	55.00
No. 1848	7	3	7.49
	11	3	11.44
No. 1859	11	4	40.38
No. 1887	36	3	19.63
No. 1914	30	4	14.70
	31	4	27.50
	44	3	27.50
	44	4	27.50
No. 1988	12	4	27.50
	12	2	27.50
	12	3	27.50
	13	4	13.75
	13	2	13.75
	13	3	13.75
	23	2	15.13
		3	15.13
	14	3	6.77
No. 2002	84	3	3.62
		4	3.62
No. 1923	3	4	9.51
	8	4	12.43
No. 1927	35	4	15.77
			$1,177.76

SCHEDULE B

BY-LAW NO. 113

A By-law to Authorize the Issue of Refunding Debentures.

Passed the 25th day of June, 1937.

WHEREAS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, The Department of Municipal Affairs Act, 1935, and The Ontario Municipal Board Act, 1932, and amendments to the said Acts, The Ontario Municipal Board did pursuant to the powers vested in it, by an Order dated as of the 14th day of April, 1937, approve of a Plan for the Funding and Refunding of the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich and did by such Order direct (a) the issue of new debentures of the new City of Windsor in substitution and exchange for, and the retirement and cancellation of, the outstanding debentures of the said former Municipalities, and the variation in, and payment and satisfaction of, the whole of the other indebtedness of the said former Municipalities; and (b) the creation and setting aside of a sinking fund and of special funds and reserves for meeting, paying and discharging the said debenture debts and other indebtedness; and (c) the ratification and confirmation of the agreement, arrangement or compromise entered into by the new City of Windsor with the creditors of the said former Municipalities as contained in the said Order; and (d) that this By-law make provision for the liability of the former Corporation of the City of Windsor in respect of that amount of the debenture and other debt of the Windsor, Essex and Lake Shore Electric Railway Association set out as item 2 in column numbered 1 of Part 21 of the Second Schedule to the Plan hereinafter referred to.

AND WHEREAS it is therefore expedient and necessary to pass a by-law giving effect to the said Order and authorizing and directing the issue of the said new debentures;

THEREFORE the Municipal Council of the Corporation of The City of Windsor enacts as follows:

1. That for the purposes set out as (a), (b) and (c) aforesaid General Debentures in the sum of $30,449,974.87 and Public School debentures in the sum of $4,180,562.32 shall be issued by the Corporation, which said debentures shall be executed and issued in such manner and to such persons, in such denominations and series and shall bear such interest and be payable at such time as is provided in the said Order of the Board, a copy of which Order is hereto annexed as Schedule "A" and forms part of this By-law.

2. That for the purposes set out as (d) aforesaid the Corporation shall create General debentures of Series CY in a principal amount not exceeding $209,767.20, as referred to and in accordance with the provisions of Section 1 (a) and 8 (g) of Article III of the said Plan.

3. The debentures created pursuant to Section 2 aforesaid shall be issued to the Transfer Agent referred to in the said Plan only at such time and in such amounts and shall be dealt with and delivered by the said Transfer Agent as The Ontario Municipal Board or its successors from time to time may, from time to time, order. No levy shall be made for the said debentures or any of them, either for interest or principal, except pursuant to an order of The Ontario Municipal Board or its successors from time to time.

4. For the purpose of paying, satisfying and retiring the said new debentures a sinking fund shall be created and maintained by the Corporation and the Board of Trustees, as set forth in the said Order (Schedule "A") and the Corporation shall, in accordance with the said Order, make the sinking fund payments therein set forth, provided that when the sums so paid into the sinking fund in any year are less than the sum of $160,000.00 then 88% of the difference between the sums so paid and $160,000.00 shall be levied for and collected as a part of the general taxes of the Corporation in the following year and 12% of the said difference shall be levied for and collected as a part of the taxes chargeable to Public School supporters in the following year and both sums shall be paid into the said sinking fund during such following year, except that so long as the average yearly amount paid into the sinking fund subsequent to December 31st, 1935, is in excess of $160,000.00 no additional levies shall be required.

5. The Board of Trustees shall be those duly appointed pursuant to the said Order and they shall have the duties and powers therein provided, including the supervision of the said sinking fund.

6. Cyril Cooper is hereby appointed to be the trustee representing The Corporation of the City of Windsor and he shall hold office as such for the term provided in the said Order.

7. This by-law shall come into force on the day upon which it is finally passed

E. S. WIGLE,
Mayor.
C. V. WATERS,
Clerk.

APPROVED: Department of Municipal Affairs.
THOMAS GRAY,
Supervisor.
July 6, 1937.

First Reading, June 25, 1937.
Second Reading, June 25, 1937.
Third Reading, June 25, 1937.

I hereby certify the foregoing to be a true copy.

C. V. WATERS,
City Clerk.

NOTE.—The Order of the Ontario Municipal Board, a copy of which is mentioned in Clause 1 of the foregoing By-law No. 113 as being annexed to the said By-law as Schedule "A" thereto is hereinafter set out as Schedule C to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said Order is accordingly not included herein as a Schedule to the foregoing By-law No. 113.

SCHEDULE C

ONTARIO

THE ONTARIO MUNICIPAL BOARD

BEFORE: E. W. CROSS, Esq., M.A., Chairman, and W. M. BRODIE, Esq., Vice-Chairman. — Wednesday, the 14th day of April, 1937

IN THE MATTER OF The City of Windsor (Amalgamation) Act, 1935.

AND IN THE MATTER OF a Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich.

ORDER

WHEREAS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, a Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, was presented to the Board.

AND WHEREAS for the purpose of effecting the amalgamation provided for by the said Act and of fully effectuating and carrying into effect the provisions thereof and of the functioning of the New City of Windsor, the approval of such a Plan is essential:

AND WHEREAS on the 22nd, 23rd, 24th, 29th and 30th days of the month of September, 1936, and on the 1st, 6th, 7th, 8th, 9th, 20th and 21st days of the month of October, 1936, the Board heard the evidence adduced on behalf of the Fiscal Agent for The Corporation of the City of Windsor, the said City, the Board of Education of the said City, The Windsor Utilities Commission, the Debenture Holders' Protective Committees of the four aforesaid former Municipalities, The Canadian Bank of Commerce, Bank of Montreal, W. L. McKinnon, The Hydro Electric Power Commission of Ontario and upon hearing counsel for the aforesaid parties and for the Department of Municipal Affairs for the Province of Ontario, Imperial Bank of Canada, O. L. Bickford, Workmen's Compensation Board, Guaranty Trust Company of Canada, and the Board having rendered its decision on the 21st day of December, 1936, and an agreement having been reached between the said City and the majority of the creditors represented on the hearing in accordance with the terms and provisions set forth in the Plan hereinafter referred to, the Board did this day vary and amend its said order accordingly.

1. THE BOARD ORDERS pursuant to the provisions of The City of Windsor (Amalgamation) Act, 1935, The Ontario Municipal Board Act, 1932, The Department of Municipal Affairs Act, 1935, and Amendments to the said Acts, and all other authority thereunto enabling, that the Plan for Funding and Refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, a copy of which is attached hereto and forms Schedule A to and is a part of this Order, be and the same is hereby authorized, approved, ratified and confirmed.

2. THE BOARD FURTHER ORDERS for the purpose of giving effect to the aforesaid Plan that—

(a) The By-law, a copy of which is attached hereto and made Schedule B and part of this Order, be forthwith passed by the Municipal Council of the Corporation of the City of Windsor, and

(b) The Mayor and Treasurer of the Corporation of the City of Windsor on behalf of the said Corporation do forthwith and without further authorization make the

payments provided in Article VI, Section 1; Article VI, Section 5; Article VI (a) Section 1; and Article XI, Section 2 of the aforesaid Plan, for the purposes therein respectively set forth.

3. THE BOARD FURTHER ORDERS that notwithstanding the generality of the foregoing, the provisions of the said Plan are hereby made rules and regulations and the Board orders and directs all Municipal corporations and local Boards thereof and other persons, and particularly the Municipal Council of The Corporation of the City of Windsor, and every local Board of the said City and every officer and servant thereof, to do all acts and things and execute all cheques, documents and other papers necessary or proper for the purpose of giving effect to the provisions of the aforesaid Plan and of this Order.

4. AND THE BOARD FURTHER ORDERS and reserves all jurisdiction conferred upon it by Section 33 (h) of The Department of Municipal Affairs Act, 1935, relating to the Local Improvement rates and charges imposed or to be imposed from time to time by the said Corporation of the City of Windsor.

ORDER signed this 15th day of June, 1937.

E. W. CROSS,
Chairman.

(SEAL)

NOTE.—The Plan for funding and refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, a copy of which Plan is mentioned in Clause 1 of the foregoing Order of the Ontario Municipal Board as being attached to the said Order as Schedule "A" thereto is hereinbefore set out as Schedule A to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said Plan is accordingly not included herein as a Schedule to the foregoing Order of the Ontario Municipal Board.

The By-law, a copy of which is mentioned in clause 2 (a) of the foregoing Order of the Ontario Municipal Board as being attached to the said Order as Schedule "B" thereto is hereinbefore set out as Schedule B to *The City of Windsor (Funding and Refunding Plan) Act, 1938*, and the said By-law is accordingly not included herein as a Schedule to the foregoing Order of the Ontario Municipal Board.

SCHEDULE D

ONTARIO

P. F. A-6222

THE ONTARIO MUNICIPAL BOARD

BEFORE: D. S. CHARLTON, Esq., Vice-Chairman, and W. P. NEAR, Esq., B.A.Sc., Commissioner. } Wednesday, the 15th day of December, A.D. 1937.

IN THE MATTER of The City of Windsor (Amalgamation) Act, 1935, the amendments thereto and The Department of Municipal Affairs Act, 1935;

AND IN THE MATTER of the Order of the Municipal Board for Funding and Refunding the debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich dated the 14th day of April, 1937.

ORDER

WHEREAS pursuant to the provisions of The Department of Municipal Affairs Act, 1935, and the City of Windsor (Amalgamation) Act, 1935, and amendments thereto the Ontario Municipal Board, with respect to the debenture debt and debentures and the interest thereon and any other indebtedness of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, have power to authorize and order cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof.

AND WHEREAS the Council of the Corporation of the City of Windsor incorporated under the provisions of The City of Windsor (Amalgamation) Act, 1935,has, by resolution dated the 7th day of September, 1937, recommended to the Board that local improvement charges outstanding against private properties for watermains, street widenings, street openings and street extensions be cancelled and assumed by the Corporation at large, and that all other local improvement charges outstanding against private properties be collected in twenty equal annual instalments commencing in the year 1938, with the exception of balances under $20.00 which are to be collected in from one to three years.

1. THE BOARD HEREBY ORDERS the cancellation of the levy and collection of all local improvement assessments, rates or taxation and charges which would otherwise be imposed subsequent to the First day of January, 1938, to meet, pay and discharge any debenture debt, debentures or other indebtedness and interest thereon outstanding against private properties for watermains, street widenings, street openings and street extensions in the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich wherewith the same have heretofore been rated and that such assessments, rates or taxation and charges other than those respecting watermains, payment of which has been assumed by The Windsor Utilities Commission under agreement with the Corporation of the City of Windsor dated December 7th, 1937, be assumed by the ratepayers of the Corporation of the City of Windsor at arge.

2. THE BOARD FURTHER ORDERS that any amount remaining unlevitd or uncollected under any former local improvement by-law, together with any amoune required by such by-law to be hereafter levied and collected, to meet, pay and discharge any debenture debt, debentures or other indebtedness, and interest thereon of all other local improvements, be collected in twenty equal annual instalments commencing in the year 1938 with the exception of balances under $20.00, which said balances shall be levied and collected in equal annual instalments in from one to three years, on the basis that balances up to and including Ten Dollars ($10.00) shall be paid in one year; balances of from Ten Dollars and One Cent ($10.01) up to and including Fifteen Dollars ($15.00) shall be paid in two years and balances of from Fifteen Dollars and One Cent ($15.01) up to and including Twenty Dollars ($20.00) shall be paid in three years.

D. S. CHARLTON,
Vice-Chairman.

(SEAL)

BILL

An Act respecting the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, now constituting the City of Windsor.

1st Reading

March 11th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 24th, 1938

MR. CROSS

No. 68

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 68 1938

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1938*.

1933, c. 35, continued in force.

1934, c. 33; 1935, c. 41; 1936, c. 38; 1937, c. 45.

2.—(1) Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1936*, or *The Mortgagors' and Purchasers' Relief Act, 1937*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, except Part II thereof, shall continue in force and have effect until the 30th day of June, 1939.

Continuance of Part II.

(2) Notwithstanding the provisions of subsection 1, Part II of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 31st day of October, 1938, provided that any order made under the said Part II prior to the 31st day of October, 1938, shall continue in force for the full period expressed in such order and, subject to the provisions of the said Part II, any such order may be extended for a period not exceeding six months, and for the purposes of any such order and any extension thereof, the said Part II shall be deemed to continue in force and have effect until the expiration of such order or extension as the case may be.

Explanatory Note

The Bill extends the provisions of *The Mortgagors' and Purchasers' Relief Act*, except Part II which has to do with interest, until June 30th, 1939. Part II is extended until October 31st, 1938, with a saving provision which permits an order made under Part II to continue beyond October 31st and be extended once for a period not exceeding six months.

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

1st Reading

March 11th, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 68

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

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TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 68 1938

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1938*.

1933, c. 35 continued in force.

1934, c. 33; 1935, c. 41; 1936, c. 38; 1937, c. 45.

2. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1936*, or *The Mortgagors' and Purchasers' Relief Act, 1937*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1939.

BILL

The Mortgagors' and Purchasers' Relief Act, 1938.

1st Reading

March 11th, 1938

2nd Reading

March 14th, 1938

3rd Reading

April 4th, 1938

MR. CONANT

1938

No. 69

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 69 1938

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Windsor Utilities Commission Act, 1938.*

Interpretation.

2. In this Act,—

"Board."

(*a*) "Board" shall mean the Ontario Municipal Board;

"Commission."

(*b*) "Commission" shall mean The Windsor Utilities Commission;

"Essex Commission."

(*c*) "Essex Commission" shall mean The Essex Border Utilities Commission;

"LaSalle."

(*d*) "LaSalle" shall mean the corporation of the Town of LaSalle;

"Ojibway."

(*e*) "Ojibway" shall mean the corporation of the Town of Ojibway;

"Riverside."

(*f*) "Riverside" shall mean the corporation of the Town of Riverside;

"Sandwich East."

(*g*) "Sandwich East" shall mean the corporation of the Township of Sandwich East;

"Sandwich South."

(*h*) "Sandwich South" shall mean the corporation of the Township of Sandwich South;

"Sandwich West."

(*i*) "Sandwich West" shall mean the corporation of the Township of Sandwich West;

"Tecumseh."

(*j*) "Tecumseh" shall mean the corporation of the Town of Tecumseh;

"Windsor." (*k*) "Windsor" shall mean the present corporation of the City of Windsor.

Powers of Commission. **3.** The Commission is hereby authorized and empowered to prepare a plan for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission and to make application to the Board under the provisions of Part III of *The Department of Municipal Affairs Act* for the exercise by the Board of its powers to approve and effectuate the same.

Rev. Stat., c. 59.

Further powers. **4.** For all purposes of the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission and of complying with and effectuating any plan approved by the Board for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission, the Commission is hereby authorized and empowered:

(*a*) to assign, transfer and assure to a trustee for the creditors of the Essex Commission all right, title, interest and claim of the Commission and its predecessor, the Essex Commission, against Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West and Sandwich South, or any one or more of them, for or in respect of any indebtedness or obligation of the said municipal corporations, or any one or more of them, to the Commission or its predecessor, the Essex Commission, and to do and perform all such acts and things as may be requisite to effectuate any such assignment, transfer and assurance;

(*b*) to make, enter into, execute and deliver any agreement for the payment by the Commission of any indebtedness incurred by the Essex Commission and the satisfaction of the debentures issued by the Essex Commission; provided, however, that any such agreement collateral to any such plan shall be approved by the Board;

(*c*) to do and perform all such acts and things as may be requisite.

Powers of Board. **5.** For all purposes of approving, dealing with or effectuating any plan for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission, the Board shall have and exercise all the powers and jurisdiction conferred upon it by Part III of *The Department of Municipal Affairs Act*, and in addition thereto the Board shall have power and jurisdiction to make provision for the

Rev. Stat., c. 59.

payment or satisfaction of the debenture and other indebtedness of the Essex Commission and the payment or satisfaction of any obligation of Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West, Sandwich South or any one or more of them to provide for the payment of the debenture and other indebtedness of the Essex Commission, or any part thereof, and, for the purpose of satisfying the debenture or other indebtedness incurred by the Essex Commission, to make provision for the disposition of any moneys or debentures received or to be received from or on behalf of the said municipal corporations, or any of them, and of the debentures issued by Windsor pursuant to the provisions of the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, approved by the Board's order bearing date the 14th day of April, 1937, and for the purposes of this Act the additional powers hereby conferred upon the Board shall be read and construed as if the same were added to and included in the powers set out in section 32 of *The Department of Municipal Affairs Act.*

Application of powers.

6. The jurisdiction and powers conferred by this Act upon the Board shall extend and apply to the Commission, Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West and Sandwich South.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 69

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

1st Reading

March 11th, 1938

2nd Reading

3rd Reading

MR. CROSS

1938

No. 69

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 69 1938

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Windsor Utilities Commission Act, 1938.*

Interpretation.

2. In this Act,—

"Board."

(*a*) "Board" shall mean the Ontario Municipal Board;

"Commission."

(*b*) "Commission" shall mean The Windsor Utilities Commission;

"Essex Commission."

(*c*) "Essex Commission" shall mean The Essex Border Utilities Commission;

"LaSalle."

(*d*) "LaSalle" shall mean the corporation of the Town of LaSalle;

"Ojibway."

(*e*) "Ojibway" shall mean the corporation of the Town of Ojibway;

"Riverside."

(*f*) "Riverside" shall mean the corporation of the Town of Riverside;

"Sandwich East."

(*g*) "Sandwich East" shall mean the corporation of the Township of Sandwich East;

"Sandwich South."

(*h*) "Sandwich South" shall mean the corporation of the Township of Sandwich South;

"Sandwich West."

(*i*) "Sandwich West" shall mean the corporation of the Township of Sandwich West;

"Tecumseh."

(*j*) "Tecumseh" shall mean the corporation of the Town of Tecumseh;

(*k*) "Windsor" shall mean the present corporation of the City of Windsor. "Windsor."

3. The Commission is hereby authorized and empowered to prepare a plan for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission and to make application to the Board under the provisions of Part III of *The Department of Municipal Affairs Act* for the exercise by the Board of its powers to approve and effectuate the same. Powers of Commission. Rev. Stat., c. 59.

4. For all purposes of the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission and of complying with and effectuating any plan approved by the Board for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission, the Commission is hereby authorized and empowered: Further powers.

(*a*) to assign, transfer and assure to a trustee for the creditors of the Essex Commission all right, title, interest and claim of the Commission and its predecessor, the Essex Commission, against Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West and Sandwich South, or any one or more of them, for or in respect of any indebtedness or obligation of the said municipal corporations, or any one or more of them, to the Commission or its predecessor, the Essex Commission, and to do and perform all such acts and things as may be requisite to effectuate any such assignment, transfer and assurance;

(*b*) to make, enter into, execute and deliver any agreement for the payment by the Commission of any indebtedness incurred by the Essex Commission and the satisfaction of the debentures issued by the Essex Commission; provided, however, that any such agreement collateral to any such plan shall be approved by the Board;

(*c*) to do and perform all such acts and things as may be requisite.

5. For all purposes of approving, dealing with or effectuating any plan for the adjustment, satisfaction and refunding of the debenture and other indebtedness of the Essex Commission, the Board shall have and exercise all the powers and jurisdiction conferred upon it by Part III of *The Department of Municipal Affairs Act*, and in addition thereto the Board shall have power and jurisdiction to make provision for the Powers of Board. Rev. Stat., c. 59.

payment or satisfaction of the debenture and other indebtedness of the Essex Commission and the payment or satisfaction of any obligation of Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West, Sandwich South or any one or more of them to provide for the payment of the debenture and other indebtedness of the Essex Commission, or any part thereof, and, for the purpose of satisfying the debenture or other indebtedness incurred by the Essex Commission, to make provision for the disposition of any moneys or debentures received or to be received from or on behalf of the said municipal corporations, or any of them, and of the debentures issued by Windsor pursuant to the provisions of the Plan for Funding and Refunding the Debts of the Amalgamated Municipalities of East Windsor, Walkerville, Windsor and Sandwich, approved by the Board's order bearing date the 14th day of April, 1937, and for the purposes of this Act the additional powers hereby conferred upon the Board shall be read and construed as if the same were added to and included in the powers set out in section 32 of *The Department of Municipal Affairs Act.*

Application of powers.

6. The jurisdiction and powers conferred by this Act upon the Board shall extend and apply to the Commission, Windsor, Riverside, Tecumseh, LaSalle, Ojibway, Sandwich East, Sandwich West and Sandwich South.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting The Windsor Utilities Commission and the Adjustment, Satisfaction and Refunding of the Debenture and other Indebtedness of The Essex Border Utilities Commission.

1st Reading

March 11th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 24th, 1938

MR. CROSS

1938

No. 70

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Titular Distinction of Members of the Legislative Assembly.

MR. HUNTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70 1938

BILL

An Act respecting the Titular Distinction of Members of the Legislative Assembly.

Preamble.

WHEREAS, by the Constitutional Act of 1791, a legislative assembly was authorized for the Province of Upper Canada; and whereas that legislative assembly, as so constituted, carried out its functions from 1792 to 1840; and whereas, during the said period, usage, tradition, and precedent established the practice of lending to the names of the members of that assembly the titular distinction of M.P.P.; and whereas, for the period between the Act of Union, 1840, and the passing of *The British North America Act* in 1867, there was one Parliament for the Union of the Provinces of Upper Canada and Lower Canada, during which time the members of that Parliament were recognized by the titular distinction of M.P.; and whereas under the provisions of the said *British North America Act* the said two Provinces, together with the Provinces of Nova Scotia and New Brunswick, were authorized, quite apart from the new distribution of legislative powers, to preserve and maintain all powers, authorities, and functions which, prior to Confederation, had been exercised by those Provinces and that, save in so far as any particular field of jurisdiction was expressly removed from the authority of the Provinces to that of the Dominion, the laws then in force in those Provinces should continue as if the Union had not been made; and whereas rulings have been attempted in sources other than that of the Legislative Assembly of Ontario, and without the consent of the said Legislative Assembly, which purport to allot to members of the said Legislative Assembly a titular distinction other than those already stated; and whereas, by reason of the said rulings, uncertainty and confusion has arisen, this Assembly now deems it necessary to make a ruling by which the practice may be made settled and authentic and in consonance with the history, precedents, sovereign powers and legislative jurisdiction of this Assembly;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Titular Distinctions Act, 1938*.

Explanatory Note

The Bill provides that in matters of address, titular distinction, precedence, formal correspondence, official proceedings and all similar matters having to do with and under the jurisdiction of the Legislature of Ontario, the members of the Legislative Assembly shall receive, rank, precedence and titular distinction accorded to that of a member of Parliament as the same is known and established in the Parliament of the Dominion of Canada and in the Parliament of Great Britain.

Members of Assembly to be officially styled Members of Parliament.

2. In all matters of address, titular distinction, precedence, formal correspondence, official proceedings and all similar matters having to do with and under the jurisdiction of the Legislature of Ontario, the members of the Legislative Assembly shall receive rank, precedence and titular distinction accorded to that of a Member of Parliament as the same is known and established in the Parliament of the Dominion of Canada and in the Parliament of Great Britain.

Act declaratory for Ontario only.

3. Nothing in this Act shall be deemed to create or interfere with any precedence or other binding authority made or established beyond the borders of the Province of Ontario but this Act shall be deemed to declare and confirm the law and practice as it is now and always has been with regard to the said matters within the said Province of Ontario.

BILL

An Act respecting the Titular Distinction of Members of the Legislative Assembly.

1st Reading

March 14th, 1938

2nd Reading

3rd Reading

MR. HUNTER

1938

No. 71

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 71 1938

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Contracts Validation Act, 1938.*

1935, c. 53. Contracts declared legal and valid.

2. Notwithstanding anything contained in *The Power Commission Act, 1935*, or any other Act of this Legislature,—

(*a*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company and Gatineau Transmission Company dated the 14th day of December, 1937, relating to the sale to The Hydro-Electric Power Commission of Ontario of electrical power and energy with a periodicity of sixty (60) cycles per second set out in Schedule A hereto;

(*b*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company dated the 28th day of December, 1927, being the first of the two contracts set out in Schedule B to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *a* hereof;

(*c*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company and Gatineau Transmission Company dated the 14th day of December, 1937, relating to the sale to The Hydro-Electric Power Commission of Ontario of electrical power and energy with a periodicity of twenty-five (25) cycles per second set out in Schedule B hereto;

(*d*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company

dated the 19th day of May, 1926, being the first of the six contracts set out in Schedule A to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *c* hereof;

(*e*) the contract between The Hydro-Electric Power Commission of Ontario, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated the 14th day of December, 1937, set out in Schedule C hereto;

(*f*) the contract between The Hydro-Electric Power Commission of Ontario and Beauharnois Light, Heat and Power Company dated the 29th day of November, 1929, set out in Schedule C to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *e* hereof;

(*g*) the contract between The Hydro-Electric Power Commission of Ontario, Maclaren-Quebec Power Company and The James Maclaren Company Limited, dated the 14th day of December, 1937, set out in Schedule D hereto; and

(*h*) the contract between The Hydro-Electric Power Commission of Ontario and The James Maclaren Company Limited dated the 20th day of December, 1930, being the first of the two contracts set out in Schedule E to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *g* hereof;

are hereby ratified, confirmed and declared to be legal and valid.

Effect of certain Acts.

3. It is hereby declared that the rights of Gatineau Power Company and Gatineau Transmission Company under or arising out of the contract referred to in clause *a* of section 2 or the contract dated 28th December 1927 referred to in clause *b* of section 2 as varied by the contract referred to in clause *a* of section 2, the rights of Gatineau Power Company and Gatineau Transmission Company under or arising out of the contract referred to in clause *c* of section 2 or the contract dated 19th May 1926 referred to in clause *d* of section 2 as varied by the contract referred to in clause *c* of section 2, the rights of Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited under or arising out of the contract referred to in clause *e* of section 2 or the contract dated 29th November 1929 referred to in clause *f* of section 2 as varied by the contract referred to in clause *e* of section 2, and the rights of Maclaren-Quebec

Power Company and The James Maclaren Company Limited or either of them, shall in no way be limited or affected by anything contained in *The Power Commission Act 1935*, *The Power Commission Amendment Act 1937*, now contained in subsections 6, 7, 8 and 9 of section 6 of *The Power Commission Act*, *The Power Commission Declaratory Act 1937*, or *The Privy Council Appeals Amendment Act 1937* of which section 2 is now contained in section 12 of *The Privy Council Appeals Act*.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE A

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, (hereinafter called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation, (hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation, (hereinafter called the "Transmission Company")

WHEREAS the Commission and the Power Company heretofore executed an Indenture dated the 28th day of December, 1927 (hereinafter called the "Original 60 Cycle Contract"), relating to the delivery by the Power Company to the Commission of electrical power and energy with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture, and said parties executed another Indenture dated the same date supplementary to the first mentioned Indenture (hereinafter called the "Supplementary Agreement");

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 8th day of February, 1936 (hereinafter called the "1936 60 Cycle Contract"), relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. (*a*) Subject to the provisions of Clause 1 (*b*), this Agreement shall be effective on and from the first day of December 1937, and shall terminate on and from the first day of May 1938, unless prior to said date the Legislature of the Province of Ontario shall have passed the Act provided for in Clause 1 (*c*) of this Agreement, and further, notwithstanding the passing of the said Act prior to said date, shall terminate on and from the first day of August 1938, if (i) prior to the fifteenth day of July 1938, the Contracts of even date herewith between the Commission, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, and between the Commission, Maclaren-Quebec Power Company and The James Maclaren Company Limited have not become fully and unconditionally effective, and (ii) prior to the said first day of August 1938, the Power Company and the Transmission Company shall have given notice in writing to the Commission that this Agreement shall terminate;

1. (*b*) So long as this Agreement is subject to termination under the provisions of Clause 1 (*a*), the rights of the parties respectively under any other contract or contracts shall not be released or in any way affected by this Agreement, save during the period from the first day of December 1937 to the first day of May 1938, or the first day of August 1938, as the case may be, and in case this Agreement is terminated under the provisions of Clause 1 (*a*) the parties hereto shall revert as from the date on which this Agreement so terminates to their respective positions as though this Agreement had not been entered into, and all accounts between the parties for anything arising out of this Agreement shall be settled as of the date on which this Agreement so terminates;

1. (*c*) The Commission shall apply to the Legislature of the Province of Ontario at its session to be held first after the first day of January 1938 for an Act to ratify and confirm this Agreement and the Original 60 Cycle

Contract as amended hereby and declaring that the rights of the Power Company and of the Transmission Company under or arising out of this Agreement or the Original 60 Cycle Contract as amended hereby shall in no way be limited or affected by anything contained in The Power Commission Act 1935, The Power Commission Amendment Act 1937, The Power Commission Declaratory Act 1937, or The Privy Council Appeals Amendment Act 1937, all Acts of the said Legislature.

2. Subject to the provisions of Clause 1 of this Agreement, (*a*) the Commission hereby releases the Power Company, and the Power Company hereby releases the Commission, from any and all claims under or in connection with the Original 60 Cycle Contract and the Supplementary Agreement in respect of any matters prior to the first day of December 1937 and (*b*) the Commission hereby releases the Power Company and the Transmission Company, and the Power Company and the Transmission Company hereby release the Commission, from any and all claims under or in connection with the 1936 60 Cycle Contract which have heretofore arisen or may hereafter arise.

3. Subject to the provisions of Clause 1 of this Agreement, the Original 60 Cycle Contract and the Supplementary Agreement are hereby amended by—

(i) striking out all the provisions of the Supplementary Agreement;

(ii) calling Gatineau Power Company the "Power Company" instead of "the Company" and referring to it as the "Power Company" in, and adding the Transmission Company as a party to and referring to it as the "Transmission Company" in, the Original 60 Cycle Contract;

(iii) striking out the third recital in the Original 60 Cycle Contract and substituting therefor the following:

> "And Whereas the Power Company is prepared to deliver to the Transmission Company for transmission and delivery to the Commission and the Transmission Company is prepared to deliver to the Commission at the point hereinafter provided electrical power and energy from the Power Company's developments on the Gatineau River and elsewhere in the Province of Quebec, and the Power Company and the Transmission Company are willing to enter into an agreement with the Commission for such purpose;"

(iv) striking out Clauses 1 to 15 both inclusive of the Original 60 Cycle Contract and substituting therefor Clauses 1 to 16 both inclusive set out in the 1936 60 Cycle Contract but with and subject to the following amendments thereto:

(A) Clause 3 (*a*) set out in the 1936 60 Cycle Contract is amended by adding thereto the following:—

> "Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Agreement a higher rate is paid by the Commission, directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River, or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Eastern Ontario System, then the rate payable under this Agreement during any such time shall be such higher rate; The Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with:—
>
> (*a*) Maclaren-Quebec Power Company and The James Maclaren Company Limited dated 14th December 1937 together with the contract amended thereby, viz., the contract dated 20th December 1930 between the Commission and the said The James Maclaren Company Limited, the contract dated 14th January 1931 between the Commission, the said The James Maclaren Company Limited and the said Maclaren-Quebec

Power Company, and the contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited;

(*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated 14th December 1937 together with the contract dated 29th November 1929 between the Commission and the said Beauharnois Light, Heat and Power Company amended thereby; and

(*c*) Ottawa Valley Power Company dated 4th February 1937 together with the following two contracts amended thereby, viz., the "Power Contract" dated 15th February 1930 between the Commission and Chats Falls Power Company (the former name of said Ottawa Valley Power Company) and the so-called "Operating Agreement" dated 24th February 1931 between the Commission and said Ottawa Valley Power Company;

and it is agreed that the carrying out and performance by the Commission of the terms (other than terms to the same effect as the foregoing proviso) of any of the said contracts dated earlier than a date in 1937 as so amended respectively by the said contracts dated in 1937 and/or of the said contract dated 1st February 1936 between the Commission the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of the foregoing proviso."

(B) Clause 3 (*j*) set out in the 1936 60 Cycle Contract is struck out;

(C) Clause 4 (*a*) set out in the 1936 60 Cycle Contract is amended by inserting after the word "defined" in the first paragraph thereof the words "and determined" and by striking out the second and third paragraphs thereof and substituting therefor the following:

"(1) The Contract Demand shall be Forty-two Thousand horsepower (42,000 h.p.) from the first day of December 1937 to the thirtieth day of September 1938, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of Forty-two Thousand horsepower (42,000 h.p.) may be increased up to but not in excess of Sixty Thousand horsepower (60,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this Agreement unless and until increased pursuant to the provisions of paragraph (2) next following;

(2) The Contract Demand shall be Sixty Thousand Horsepower (60,000 h.p.) from the first day of October 1938 and shall continue at Sixty Thousand horsepower (60,000 h.p.) throughout the remainder of the term of this Agreement;"

and by inserting "(3)" as the number of the fourth paragraph of the said Clause 4 (*a*) as it appears in the 1936 60 Cycle Contract and by striking out the last paragraph of the said Clause 4 (*a*);

(D) Clause 14 set out in the 1936 60 Cycle Contract is struck out and the following substituted therefor:—

"This Agreement shall continue in force to and including the 30th day of November 1970 and shall bind and enure to the benefit of the respective successors of the parties;"

4. Subject to the provisions of Clause 1 of this Agreement, the Original 60 Cycle Contract as hereby amended is hereby ratified and confirmed and shall continue to be in full force and effect.

5. Subject to the provisions of Clause 1 of this Agreement, execution of this Agreement by the Transmission Company shall for all purposes be deemed to be the execution by it of the Original 60 Cycle Contract subject to the terms of this Agreement and with the amendments herein contained.

In Witness Whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers:

Signed, Sealed and Delivered In the presence of W. George Hanna. (COMMISSION SEAL)	The Hydro-Electric Power Commission of Ontario. (Sgd.) T. H. Hogg, *Chairman.* (Sgd.) R. T. Jeffery, *Acting Secretary & Controller.*
Glyn Osler. (POWER COMPANY SEAL)	Gatineau Power Company. (Sgd.) G. Gordon Gale, *President.* (Sgd.) J. R. Binks, *Secretary.*
Glyn Osler. (TRANSMISSION CO. SEAL)	Gatineau Transmission Company. (Sgd.) G. Gordon Gale, *President.* (Sgd.) J. R. Binks, *Secretary.*

SCHEDULE B

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BY and BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO (herein called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation (hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation (hereinafter called the "Transmission Company")

WHEREAS the Commission and the Power Company heretofore executed an Indenture dated the 19th day of May 1926 (hereinafter called the "Original 25 Cycle Contract") relating to the delivery by the Power Company to the Commission of electrical power and energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture, and said parties executed five (5) other Indentures supplementary to the first mentioned Indenture (hereinafter collectively called the "Supplementary Agreements");

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 8th day of February 1936 (hereinafter called the "1936 25 Cycle Contract") relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. (*a*) Subject to the provisions of Clause 1 (*b*), this Agreement shall be effective on and from the 1st day of December 1937, and shall terminate on and from the 1st day of May 1938, unless prior to said date the Legislature of the Province of Ontario shall have passed the Act provided for in Clause 1 (*c*) of this Agreement, and further, notwithstanding the passing of the said Act prior to said date, shall terminate on and from the 1st day of August 1938, if (i) prior to the 15th day of July 1938, the Contracts of even date herewith between the Commission, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, and between the Commission, Maclaren-Quebec Power Company and The James Maclaren Company Limited have not become fully and unconditionally effective, and (ii) prior to the said first day of August 1938, the Power Company and the Transmission Company shall have given notice in writing to the Commission that this Agreement shall terminate;

1. (*b*) So long as this Agreement is subject to termination under the provisions of Clause 1 (*a*), the rights of the parties respectively under any other contract or contracts shall not be released or in any way affected by this Agreement save during the period from the 1st day of December 1937 to the 1st day of May 1938, or the 1st day of August 1938, as the case may be, and in case this Agreement is terminated under the provisions of Clause 1 (*a*) the parties hereto shall revert as from the date on which this Agreement so terminates to their respective positions as though this Agreement had not been entered into, and all accounts between the parties for anything arising out of this Agreement shall be settled as of the date on which this Agreement so terminates;

1. (*c*) The Commission shall apply to the Legislature of the Province of Ontario at its session to be held first after the 1st day of January 1938 for an Act to ratify and confirm this Agreement and the Original 25 Cycle Contract as amended hereby and declaring that the rights of the Power Company and of the Transmission Company under or arising out of this Agreement or the Original 25 Cycle Contract as amended hereby shall in no way be limited or affected by anything contained in The Power Commission Act 1935, The Power Commission Amendment Act 1937, The Power Commission Declaratory Act 1937, or The Privy Council Appeals Amendment Act 1937, all Acts of the said Legislature:

2. Subject to the provisions of Clause 1 of this Agreement, (*a*) the Commission hereby releases the Power Company, and the Power Company hereby releases the Commission, from any and all claims under or in connection with the Original 25 Cycle Contract and the Supplementary Agreements in respect of any matters prior to the first day of December 1937 and (*b*) the Commission hereby releases the Power Company and the Transmission Company, and the Power Company and the Transmission Company hereby releases the Commission, from any and all claims under or in connection with the 1936 25 Cycle Contract which have heretofore arisen or may hereafter arise:

3. Subject to the provisions of Clause 1 of this Agreement, the Original 25 Cycle Contract and the Supplementary Agreements are hereby amended by—

(i) Striking out all the provisions of the Supplementary Agreements;

(ii) Calling Gatineau Power Company the "Power Company" instead of "the Company" and referring to it as the "Power Company" in, and adding the Transmission Company as a party to, and referring to it as the "Transmission Company" in, the Original 25 Cycle Contract;

(iii) Striking out the third recital of the Original 25 Cycle Contract and substituting therefor the following:—

> "And Whereas the Power Company is prepared to deliver to the Transmission Company for transmission and delivery to the Commission, and the Transmission Company is prepared to deliver to the Commission at the point hereinafter provided, electrical power and energy from the Power Company's developments on the Gatineau River in the Province of Quebec, and the Power Company and the Transmission Company are willing to enter into an agreement with the Commission for such purpose;" and

(iv) Striking out Clauses 1 to 12 both inclusive of the Original 25 Cycle Contract and substituting therefor Clauses 1 to 16 both inclusive set out in the 1936 25 Cycle Contract but with and subject to the following amendments thereto:—

(A) Clause 3 (*a*) set out in the 1936 25 Cycle Contract is amended by adding thereto the following:—

> "Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Agreement a higher rate is paid by the Commission, directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Niagara System, then the rate payable under this Agreement during any such time shall be such higher rate; the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with:—
>
> (*a*) Maclaren-Quebec Power Company and The James Maclaren Company Limited dated 14th December 1937 together with the contract amended thereby, viz., the contract dated 20th December 1930 between the Commission and the said The

James Maclaren Company Limited, the contract dated 14th January 1931 between the Commission, the said The James Maclaren Company Limited and the said Maclaren-Quebec Power Company and the contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited;

(*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated 14th December 1937 together with the contract dated 29th November 1929 between the Commission and the said Beauharnois Light, Heat and Power Company amended thereby; and

(*c*) Ottawa Valley Power Company dated 4th February 1937 together with the following two contracts amended thereby, viz., the "Power Contract" dated 15th February 1930 between the Commission and Chats Falls Power Company (the former name of said Ottawa Valley Power Company) and the so-called "Operating Agreement" dated 24th February 1931 between the Commission and said Ottawa Valley Power Company;

and it is agreed that the carrying out and performance by the Commission of the terms (other than terms to the same effect as the foregoing proviso) of any of the said contracts dated earlier than a date in 1937 as so amended respectively by the said contracts dated in 1937 and/or of the said contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited, shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of the foregoing proviso;"

(B) Clause 3 (*j*) set out in the 1936 25 Cycle Contract is struck out;

(C) Clause 4 (*a*) set out in the 1936 25 Cycle Contract is amended by inserting after the word "defined" in the first paragraph thereof the words "and determined" and by striking out the second, third and fourth paragraphs thereof and substituting therefor the following:—.

"(1) The Contract Demand shall be One Hundred and Sixty-five Thousand horsepower (165,000 h.p.) from the First day of December 1937 to the 31st day of October 1938, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of One Hundred and Sixty-five Thousand Horsepower (165,000 h.p.) may be increased up to but not in excess of Two Hundred and Sixty Thousand horsepower (260,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this Agreement unless and until increased pursuant to the provisions of paragraph (2) or paragraph (3) next following:

(2) The Contract Demand shall be Two Hundred Thousand horsepower (200,000 h.p.) (or such greater amount as the Commission may have ordered pursuant to the provisions of paragraph (1) next above) from the first day of November 1938 to the 31st day of October 1939, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of Two Hundred Thousand horsepower (200,000 h.p.) (or such greater amount as the Commission may have ordered pursuant to the provisions of paragraph (1) next above) may be increased up to but not in excess of Two Hundred and Sixty Thousand horsepower (260,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this agreement unless and until increased pursuant to the provisions of paragraph (3) next following:

(3) The Contract Demand shall be Two Hundred and Sixty Thousand horsepower (260,000 h.p.) from the 1st day of November 1939 and shall continue at Two Hundred and Sixty Thousand horsepower (260,000 h.p.) throughout the remainder of the term of this Agreement;"

and by inserting "(4)" as the number of the last paragraph of the said Clause 4 (*a*) as it appears in the 1936 25 Cycle Contract;

(D) Clause 14 set out in the 1936 25 Cycle Contract is struck out and the following substituted therefor:—

"This Agreement shall continue in force to and including the 30th day of November 1970, and shall bind and enure to the benefit of the respective successors of the parties."

4. Subject to the provisions of Clause 1 of this Agreement, the Original 25 Cycle Contract as hereby amended is hereby ratified and confirmed and shall continue to be in full force and effect:

5. Subject to the provisions of Clause 1 of this Agreement, execution of this Agreement by the Transmission Company shall for all purposes be deemed to be the execution by it of the Original 25 Cycle Contract subject to the terms of this Agreement and with the amendments herein contained:

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Act. Secretary & Controller.*
GLYN OSLER. (POWER COMPANY SEAL)	GATINEAU POWER COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*
GLYN OSLER. (TRANSMISSION CO. SEAL)	GATINEAU TRANSMISSION COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*

SCHEDULE C

THIS AGREEMENT made this Fourteenth day of December A.D. 1937,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO hereinafter called the "Commission"

OF THE FIRST PART

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY, a Quebec Corporation, hereinafter called the "Power Company"

OF THE SECOND PART

—and—

COTEAU RAPIDS TRANSMISSION COMPANY LIMITED, a Dominion Corporation, hereinafter called the "Transmission Company"

OF THE THIRD PART.

WHEREAS the Commission and the Power Company heretofore executed an Agreement, dated the 29th day of November 1929, (hereinafter called the "Power Contract") relating to the delivery to the Commission by the Power Company (therein called the "Company") of electrical power and energy upon the terms set forth in the said Power Contract;

AND WHEREAS the Transmission Company is incorporated under the provisions of The Companies Act (Canada) with power to transmit electrical power and energy;

AND WHEREAS the parties hereto have mutually agreed to certain modifications to the Power Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations contained herein, the parties hereto agree as follows:

1. The Power Contract is hereby amended as follows:

(*a*) Clauses 1 (*a*), 1 (*b*) and 1 (*c*) are amended by striking out the words "and thereafter so long as this agreement shall continue in force" and substituting therefor the words "until the thirty-first day of October 1935," and Clause 1 (*c*) is further amended by striking out the words "until such contract demand is increased as provided in sub-clause (*d*) next following" and substituting therefor the words "until the thirty-first day of October 1935."

(*a*) Clauses 1 (*d*), 1 (*e*) and 1 (*f*) are struck out and the following substituted therefor as clause 1 (*d*):

"To keep available for delivery to the Commission and to deliver to the Commission, from time to time, when and as required by the Commission, commencing on the Fourteenth day of December 1937 and thereafter so long as this agreement shall remain in force, the hereinafter mentioned quantities of electrical power and energy on the conditions herein contained: A minimum of one hundred and twenty-five thousand horsepower (125,000 h.p.) which shall constitute the minimum contract demand until such minimum contract demand is increased; the said minimum contract demand shall be increased as follows:—

On or before the first day of November 1938, to a minimum amount of one hundred and fifty thousand horsepower (150,000 h.p.);

On or before the first day of November 1941, to a minimum amount of two hundred thousand horsepower (200,000 h.p.);

On or before the first day of November 1942, to a minimum amount of two hundred and twenty-five thousand horsepower (225,000 h.p.), and—

On or before the first day of November 1943, to a minimum amount of two hundred and fifty thousand horsepower (250,000 h.p.).

The respective progressively increasing minimum amounts of horsepower hereinbefore mentioned shall constitute the respective minimum contract demands until a minimum amount of two hundred and fifty thousand horsepower (250,000 h.p.) has been reached, which last mentioned amount of horsepower shall constitute the maximum contract demand during the term of this agreement; provided however that should the minimum amounts of horsepower hereinbefore mentioned or any of them be at any time or from time to time increased by the Commission by order in writing the minimum contract demand or contract demands, as the case may be, shall be increased by a corresponding amount or amounts up to a maximum of two hundred and fifty thousand horsepower (250,000 h.p.) and shall not be thereafter decreased; the respective minimum contract demands shall not be increased before the dates above set out, except upon order in writing by the Commission."

(*c*) Clause 2 (*c*) is amended by striking out the words "Eighty-five per cent (85%)" and substituting therefor the words "Seventy-five per cent (75%)," and by striking out the words "One Hundred and Six and Fifty-three Hundredths Kilowatt-hours (106.53 kw.h.)" and substituting therefor the words "Ninety-four Kilowatt-hours (94 kw.h.)."

(*d*) Clause 3 (*a*) is amended by striking out the words "to 1st October 1935" following the words "1st October 1934," and substituting therefor the words "to 31st October 1935," and by striking out the words "Two Hundred and Forty-five Thousand Dollars ($245,000.00) per month from 1st October 1935 to 1st October 1936; Three Hundred and Twelve Thousand Five Hundred Dollars ($312,500.00) per month from 1st October 1936 and thereafter so long as this agreement shall continue in force; the amount of dollars per month is obtained by multiplying the amount of the then contract demand as determined in Clause 1 hereof, by one and one-quarter (1¼)" and substituting therefor the words:—

"To pay to the Company in monthly payments subsequent to January first 1938, for all power and energy under this contract, an amount in dollars per month obtained by multiplying the amount of the contract demand established from time to time under clause 1 of this Contract, by twenty-five twenty-fourths (25/24ths) which is at the rate of twelve dollars and fifty cents ($12.50) per annum per horsepower of contract demand; provided, however, that such monthly payments shall not at any time or times be less than the amount in dollars obtained by multiplying the minimum contract demand, as determined from time to time in Clause 1 hereof, by twenty-five twenty-fourths (25/24ths); and provided also that the Commission shall pay to the Company for electrical power and energy kept available for delivery and delivered to the Commission from Fourteenth day of December 1937 to the first day of January 1938, eighteen thirty firsts (18/31sts) of twenty-five twenty-fourths (25/24ths) of the contract demand as determined under Clause 1 hereof," and by adding at the end of Clause 3 (*a*) the following words:

"Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Contract, a higher rate is paid by The Hydro-Electric Power Commission of Ontario, directly or indirectly, to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Niagara System, then the rate payable under this Contract during any such time shall be such higher rate; the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with (*a*) Gatineau Power Company and Gatineau Transmission Company, (*b*) Maclaren-Quebec Power Company and The James Maclaren Company Limited, all dated 14th day of December 1937 together with the several earlier contracts amended thereby and the 1936 contracts with the said

Companies, and (*c*) the Commission's contract with Ottawa Valley Power Company dated 4th February 1937 together with the earlier contracts with said Company amended thereby, and it is agreed that the carrying out and performance by the Commission of the terms of any of the said earlier contracts as so amended respectively by agreements made in 1937 and/or of the said 1936 contracts with the said Gatineau Companies and with the said Maclaren Companies shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of this proviso;"

(*e*) Clause 3 (*b*) is amended by striking out the words and figures "Six per cent (6%)" and substituting therefor "Five per cent (5%)";

(*f*) Clause 3 (*d*) is amended by striking out the words "clauses 1 (*a*), 1 (*b*), 1 (*c*), 1 (*d*), 1 (*e*) and 1 (*f*)" and substituting therefor the words "Clause 1";

(*g*) Clause 5 (*e*) is amended by striking out the figures "106.53" and substituting therefor the figures "94," and by striking out the words "eighty-five per cent (85%)" and substituting therefor the words "seventy-five per cent (75%);"

(*h*) Clause 9 is struck out and the following substituted therefor: "The rates to be paid and payments to be made by the Commission as set out in Clause 3 shall (except as to any taxes imposed by the Province of Ontario) include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this agreement or any part thereof";

(*i*) Clause 10 is struck out and the following substituted therefor: "This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force beginning on the first day of October 1932 and extending until November 1st 1976; this Agreement may be extended up to June 23rd, A.D. 2003, upon mutual agreement of the parties hereto";

2. The Transmission Company by these presents takes cognizance of the obligations of the Power Company under the Power Contract as amended by this agreement and, with the consent of the Power Company, hereby covenants and agrees with the Commission to receive from the Power Company at the exterior face of the wall of the power house of the Power Company and to transmit over its transmission line and/or lines and to deliver to the Commission when and as required by the Commission the electrical power and energy covered by the Power Contract as so amended upon and subject to the terms thereof;

3. The Transmission Company covenants and agrees that it will maintain in efficient operating condition the existing transmission line and facilities incidental thereto, and to provide as and when required and thereafter maintain in efficient operating condition, a second transmission line of the same design and capacity and running between the same points as the existing transmission line;

4. The Power Company covenants and agrees that the Transmission Company which is a wholly owned subsidiary will fulfil its obligations to the Commission under this agreement and that it will duly provide and make available the electrical power and energy required to enable the covenants of the Transmission Company to be duly fulfilled but nothing in this clause or in clauses 2 and 3 hereof shall relieve the Power Company of any of its obligations to the Commission under any other clause of this agreement or the Power Contract as amended hereby;

5. If this agreement be finally ratified as hereinafter provided, then (*a*) all accounts, charges and claims of every kind between the Commission and the Power Company arising out of or connected with the Power Contract up to the date of this agreement or for the inspection of materials and other engineering services are hereby cancelled; (*b*) the monies paid into court in any litigation between any of the parties hereto shall be paid out of court to the parties respectively, who paid in the same, and the parties hereto will secure and furnish all necessary consents therefor;

6. The present appeal to His Majesty's Privy Council now pending between the Commission and the Power Company shall be postponed;

and all proceedings in any other actions pending between any of the parties shall be stayed until the final ratification of this agreement or until the time fixed therefor has expired;

7. Upon the said ratification of this agreement the said appeal and all other litigation between the parties hereto or any of them shall be discontinued without costs and the Power Company shall have no claim for any money payment against the Commission under the said judgment appealed from and will give the Commission a satisfaction piece or other release in respect of any money directed to be paid thereunder;

8. This agreement shall be effective on and after the date hereof, but shall cease to be effective on and after the first day of July 1938, unless prior to that date the Trustee for the bondholders of the Power Company shall have given a valid consent to the modifications and changes in the Power Contract as herein provided, and this agreement and the original contract as amended by this agreement shall have been ratified by Act of the Ontario Legislature which said ratifying Act shall also declare that the rights of the Power Company under or arising out of this agreement or the original contract as amended hereby shall in no way be limited or affected by anything contained in Chapter 53 of the Statutes of Ontario, 25 George V, or in any of the three Acts already passed and/or proclaimed in the year 1937 known as "The Power Commission Amendment Act, 1937," "The Power Commission Declaratory Act, 1937," and "The Privy Council Appeals Amendment Act, 1937";

9. Pending such consent and ratification, the Power Contract as hereby amended shall be in full force and effect, but if such consent and ratification be not finally obtained by the first day of July 1938, then the parties hereto shall revert to their respective positions as though this agreement had not been entered into, but all accounts for anything arising out of this agreement shall be settled as of the first day of July 1938;

10. The parties further agree that in case any of them shall at any time deem it advisable to obtain further legislative or other authority or power, to remove any doubt that may exist in regard to the power of the parties or any of them to enter into and perform this agreement and the agreement between them herein referred to, the other parties hereto shall, at the request of such first mentioned party, join in any application for and co-operate in obtaining such further legislative or other authority or power, but shall not be required to bear any part of the expense of such application.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto:

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Acting Secretary and Controller.*
R. A. C. HENRY. (POWER COMPANY SEAL)	BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY. (Sgd.) GEO. H. MONTGOMERY, *Vice-President.* (Sgd.) C. C. PARKES, *Secretary.*
R. A. C. HENRY. (TRANSMISSION CO. SEAL)	COTEAU RAPIDS TRANSMISSION COMPANY LIMITED. (Sgd.) GEO. H. MONTGOMERY, *Vice-President.* (Sgd.) C. C. PARKES, *Secretary.*

SCHEDULE D

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission"

MACLAREN-QUEBEC POWER COMPANY, a Quebec Corporation, hereinafter called the "Power Company"

—and—

THE JAMES MACLAREN COMPANY LIMITED, a Dominion Corporation, hereinafter called the "Transmission Company."

WHEREAS the Commission and the Transmission Company heretofore executed an Indenture dated the 20th day of December 1930, hereinafter called the "Original Contract," relating to the delivery by the Transmission Company to the Commission of electrical power and energy upon the terms set forth in said Indenture;

AND WHEREAS the Transmission Company, the Power Company and the Commission heretofore executed an Indenture dated the 14th day of January 1931, hereinafter called the "Transfer Agreement," whereby, among other things, the Power Company acquired the rights and assumed the obligations of the Transmission Company under the Original Contract;

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 1st day of February, 1936, hereinafter called the "1936 Contract," relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy upon the terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. The provisions of the Transfer Agreement shall not apply to the Original Contract as amended hereby;

2. The Original Contract is hereby amended as follows:

(i) The James Maclaren Company Limited is called the "Transmission Company" instead of the "Company" and is made the party of the Third Part, and the Maclaren-Quebec Power Company is called the "Power Company" and is added as party of the Second Part to the Original Contract;

(ii) The second and third recitals are struck out and the following substituted therefor:

"And Whereas the Transmission Company is duly incorporated under the laws of the Dominion of Canada with power to produce and sell electrical power and energy;

And Whereas the Power Company is prepared to deliver electrical power and energy to the Transmission Company for transmission to the Commission as hereinafter provided and to guarantee to the Commission the performance by the Transmission Company of all

the obligations of the Transmission Company to the Commission under this Agreement;"

(iii) Clauses 1 to 12 both inclusive and Clause 14 of the Original Contract are struck out and there are substituted therefor Clauses 1 to 17 both inclusive and Clause 19 of the 1936 Contract but with and subject to the following amendments:

(A) Clause 1 (*a*) is struck out and the following substituted therefor:—

"(*a*) To keep available for delivery and to deliver to the Transmission Company for transmission and delivery to the Commission, when and as required by the Commission on the conditions herein contained commencing on the Fourteenth day of December 1937 and thereafter so long as this Agreement shall remain in force, the hereinafter mentioned quantities of electrical power and energy;

A minimum of Forty Thousand horsepower (40,000 h.p.) which shall constitute the minimum contract demand until such minimum contract demand is increased as herein provided;

The said minimum contract demand shall be increased as follows:

On the first day of November 1938 to a minimum contract demand of Sixty Thousand horsepower (60,000 h.p.);

On the first day of November 1940 to a minimum contract demand of Eighty Thousand horsepower (80,000 h.p.);

On the first day of November 1944 to a contract demand of One Hundred Thousand horsepower (100,000 h.p.);

The contract demand may with the consent of the Power Company be increased by the Commission by written order beyond the said minimum contract demands but the contract demand shall not be increased beyond the said minimum contract demands except upon an order in writing by the Commission and in any event shall not be increased beyond the said contract demand of One Hundred Thousand horsepower (100,000 h.p.);

Whenever the contract demand shall have been increased as above provided it shall not thereafter be decreased and shall remain the contract demand during the remainder of the term of this Agreement unless further increased;"

(B) Clause 3 (*a*) is amended by adding thereto the following:—

"Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945 during the term of this Contract a higher rate is paid by the Commission directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Niagara System, then the rate payable under this Contract during any such time shall be such higher rate; the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with (*a*) Gatineau Power Company and Gatineau Transmission Company, (*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, all dated 14th day of December, 1937, together with the earlier contracts with the said Companies amended thereby and the 1936 contracts with Gatineau Power Company and Gatineau Transmission Company and (*c*) the Commission's contracts with Ottawa Valley Power Company dated 4th February 1937, together with the earlier

contracts with the said Company amended thereby, and it is agreed that the carrying out and performance by the Commission of the terms of any of the said earlier contracts as so amended, respectively, by agreements made in 1937 and/or of the said 1936 contracts with the said Gatineau Companies shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of this proviso;"

(C) Clause 10 is amended by inserting after the word "energy" in the twenty-fourth line of the said Clause the words "from the Masson Generating Station of the Power Company" and by inserting after the words "Transmission Company" in the twenty-sixth line of the said Clause the words "or the use of such power or energy by the Power Company for its own purposes otherwise than for the maintenance or operation of its power plant and system";

(D) Clause 14 is struck out and the following substituted therefor:—

"This Agreement shall continue in effect until the 31st day of October, A.D. 1970;"

(iv) Clause 13 of the Original Contract is re-numbered 18 and is amended by inserting the word "Power" before the word "Company" wherever the word "Company" appears in the said clause;

(v) Clause 20 is added and shall read as follows:—

"This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively but any assignment other than an assignment to an assignee who shall have complied with Clause 18 shall be subject to the consent in writing of the Commission, which consent shall not be unreasonably withheld;

3. Execution of this Agreement by the several parties hereto shall for all purposes be deemed to be the execution by each of them of the Original Contract subject to the terms of this Agreement and with the amendments herein contained:

4. If this Agreement be finally ratified as hereinafter provided, then there are hereby cancelled all accounts, charges and claims of every kind between the Commission on the one hand and the Power Company and/or the Transmission Company on the other hand arising out of or connected with (*a*) the Original Contract up to the date of this Agreement; (*b*) the 1936 Contract at any time whether heretofore or hereafter except as to current accounts thereunder for power delivered and taken subsequent to the First of November 1937 up to the date of this Agreement:

5. This Agreement shall be effective on and from the date hereof but shall cease to be effective on and after the first day of July 1938 unless prior to that date (*a*) this Agreement and the Original Contract as amended by this Agreement shall have been ratified by Act of the Ontario Legislature, which said ratifying Act shall also declare that the rights of the Power Company and/or the Transmission Company shall in no way be limited or affected by anything contained in The Power Commission Act 1935, Chapter 53, The Power Commission Declaratory Act 1937, Chapter 58, The Power Commission Amendment Act 1937, Chapter 59, or the Privy Council Appeals Amendment Act 1937, Chapter 62, all Acts of the Ontario Legislature; (*b*) the Trustee for the bondholders of the Power Company shall have given valid consent to this Agreement:

6. Pending such ratification and consent this Agreement and the Original Contract as amended by this Agreement shall be in full force and effect, but if the said ratification and consent be not finally obtained by the first day of July 1938, then the parties hereto shall revert to their respective positions as though this Agreement had not been entered into but all accounts between the parties for anything arising out of this Agreement shall be settled as of the first day of July 1938;

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed under their corporate seals and the signatures of their proper officers duly authorized thereto:

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA. (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Act. Secretary & Controller.*
J. R. CARTWRIGHT. (POWER COMPANY SEAL)	MACLAREN-QUEBEC POWER COMPANY. (Sgd.) T. F. KENNY, *Director.* (Sgd.) J. A. BRYANT, *Secretary.*
J. R. CARTWRIGHT. (TRANSMISSION CO. SEAL)	THE JAMES MACLAREN COMPANY LIMITED. (Sgd.) T. F. KENNY, *Director.* (Sgd.) J. A. BRYANT, *Secretary.*

No. 71

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

1st Reading

March 14th, 1938

2nd Reading

3rd Reading

MR. HOUCK

1938

No. 71

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 71 1938

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Contracts Validation Act, 1938*.

1935, c. 53. Contracts declared legal and valid.

2. Notwithstanding anything contained in *The Power Commission Act, 1935*, or any other Act of this Legislature,—

(*a*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company and Gatineau Transmission Company dated the 14th day of December, 1937, relating to the sale to The Hydro-Electric Power Commission of Ontario of electrical power and energy with a periodicity of sixty (60) cycles per second set out in Schedule A hereto;

(*b*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company dated the 28th day of December, 1927, being the first of the two contracts set out in Schedule B to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *a* hereof;

(*c*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company and Gatineau Transmission Company dated the 14th day of December, 1937, relating to the sale to The Hydro-Electric Power Commission of Ontario of electrical power and energy with a periodicity of twenty-five (25) cycles per second set out in Schedule B hereto;

(*d*) the contract between The Hydro-Electric Power Commission of Ontario and Gatineau Power Company

dated the 19th day of May, 1926, being the first of the six contracts set out in Schedule A to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *c* hereof;

(*e*) the contract between The Hydro-Electric Power Commission of Ontario, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated the 14th day of December, 1937, set out in Schedule C hereto;

(*f*) the contract between The Hydro-Electric Power Commission of Ontario and Beauharnois Light, Heat and Power Company dated the 29th day of November, 1929, set out in Schedule C to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *e* hereof;

(*g*) the contract between The Hydro-Electric Power Commission of Ontario, Maclaren-Quebec Power Company and The James Maclaren Company Limited, dated the 14th day of December, 1937, set out in Schedule D hereto; and

(*h*) the contract between The Hydro-Electric Power Commission of Ontario and The James Maclaren Company Limited dated the 20th day of December, 1930, being the first of the two contracts set out in Schedule E to *The Power Commission Act, 1935*, as varied by the contract referred to in clause *g* hereof;

are hereby ratified, confirmed and declared to be legal and valid.

Effect of certain Acts.

3. It is hereby declared that the rights of Gatineau Power Company and Gatineau Transmission Company under or arising out of the contract referred to in clause *a* of section 2 or the contract dated 28th December, 1927, referred to in clause *b* of section 2 as varied by the contract referred to in clause *a* of section 2, the rights of Gatineau Power Company and Gatineau Transmission Company under or arising out of the contract referred to in clause *c* of section 2 or the contract dated 19th May, 1926, referred to in clause *d* of section 2 as varied by the contract referred to in clause *c* of section 2, the rights of Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited under or arising out of the contract referred to in clause *e* of section 2 or the contract dated 29th November, 1929, referred to in clause *f* of section 2 as varied by the contract referred to in clause *e* of section 2, and the rights of Maclaren-Quebec

Power Company and The James Maclaren Company Limited or either of them, under or arising out of the contract referred to in clause *g* of section 2 or the contract dated 20th December, 1930, referred to in clause *h* of section 2 as varied by the contract referred to in clause *g* of section 2, shall in no way be limited or affected by anything contained in *The Power Commission Act, 1935*, *The Power Commission Amendment Act, 1937*, now contained in subsections 6, 7, 8 and 9 of section 6 of *The Power Commission Act*, *The Power Commission Declaratory Act, 1937*, or *The Privy Council Appeals Amendment Act, 1937*, of which section 2 is now contained in section 12 of *The Privy Council Appeals Act*.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE A

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, (hereinafter called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation, (hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation, (hereinafter called the "Transmission Company")

WHEREAS the Commission and the Power Company heretofore executed an Indenture dated the 28th day of December, 1927 (hereinafter called the "Original 60 Cycle Contract"), relating to the delivery by the Power Company to the Commission of electrical power and energy with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture, and said parties executed another Indenture dated the same date supplementary to the first mentioned Indenture (hereinafter called the "Supplementary Agreement");

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 8th day of February, 1936 (hereinafter called the "1936 60 Cycle Contract"), relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. (*a*) Subject to the provisions of Clause 1 (*b*), this Agreement shall be effective on and from the first day of December 1937, and shall terminate on and from the first day of May 1938, unless prior to said date the Legislature of the Province of Ontario shall have passed the Act provided for in Clause 1 (*c*) of this Agreement, and further, notwithstanding the passing of the said Act prior to said date, shall terminate on and from the first day of August 1938, if (i) prior to the fifteenth day of July 1938, the Contracts of even date herewith between the Commission, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, and between the Commission, Maclaren-Quebec Power Company and The James Maclaren Company Limited have not become fully and unconditionally effective, and (ii) prior to the said first day of August 1938, the Power Company and the Transmission Company shall have given notice in writing to the Commission that this Agreement shall terminate;

1. (*b*) So long as this Agreement is subject to termination under the provisions of Clause 1 (*a*), the rights of the parties respectively under any other contract or contracts shall not be released or in any way affected by this Agreement, save during the period from the first day of December 1937 to the first day of May 1938, or the first day of August 1938, as the case may be, and in case this Agreement is terminated under the provisions of Clause 1 (*a*) the parties hereto shall revert as from the date on which this Agreement so terminates to their respective positions as though this Agreement had not been entered into, and all accounts between the parties for anything arising out of this Agreement shall be settled as of the date on which this Agreement so terminates;

1. (*c*) The Commission shall apply to the Legislature of the Province of Ontario at its session to be held first after the first day of January 1938 for an Act to ratify and confirm this Agreement and the Original 60 Cycle

Contract as amended hereby and declaring that the rights of the Power Company and of the Transmission Company under or arising out of this Agreement or the Original 60 Cycle Contract as amended hereby shall in no way be limited or affected by anything contained in The Power Commission Act 1935, The Power Commission Amendment Act 1937, The Power Commission Declaratory Act 1937, or The Privy Council Appeals Amendment Act 1937, all Acts of the said Legislature.

2. Subject to the provisions of Clause 1 of this Agreement, (*a*) the Commission hereby releases the Power Company, and the Power Company hereby releases the Commission, from any and all claims under or in connection with the Original 60 Cycle Contract and the Supplementary Agreement in respect of any matters prior to the first day of December 1937 and (*b*) the Commission hereby releases the Power Company and the Transmission Company, and the Power Company and the Transmission Company hereby release the Commission, from any and all claims under or in connection with the 1936 60 Cycle Contract which have heretofore arisen or may hereafter arise.

3. Subject to the provisions of Clause 1 of this Agreement, the Original 60 Cycle Contract and the Supplementary Agreement are hereby amended by—

(i) striking out all the provisions of the Supplementary Agreement;

(ii) calling Gatineau Power Company the "Power Company" instead of "the Company" and referring to it as the "Power Company" in, and adding the Transmission Company as a party to and referring to it as the "Transmission Company" in, the Original 60 Cycle Contract;

(iii) striking out the third recital in the Original 60 Cycle Contract and substituting therefor the following:

> "And Whereas the Power Company is prepared to deliver to the Transmission Company for transmission and delivery to the Commission and the Transmission Company is prepared to deliver to the Commission at the point hereinafter provided electrical power and energy from the Power Company's developments on the Gatineau River and elsewhere in the Province of Quebec, and the Power Company and the Transmission Company are willing to enter into an agreement with the Commission for such purpose;"

(iv) striking out Clauses 1 to 15 both inclusive of the Original 60 Cycle Contract and substituting therefor Clauses 1 to 16 both inclusive set out in the 1936 60 Cycle Contract but with and subject to the following amendments thereto:

(A) Clause 3 (*a*) set out in the 1936 60 Cycle Contract is amended by adding thereto the following:—

> "Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Agreement a higher rate is paid by the Commission, directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River, or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Eastern Ontario System, then the rate payable under this Agreement during any such time shall be such higher rate; The Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with:—
>
> (*a*) Maclaren-Quebec Power Company and The James Maclaren Company Limited dated 14th December 1937 together with the contract amended thereby, viz., the contract dated 20th December 1930 between the Commission and the said The James Maclaren Company Limited, the contract dated 14th January 1931 between the Commission, the said The James Maclaren Company Limited and the said Maclaren-Quebec

Power Company, and the contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited;

(*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated 14th December 1937 together with the contract dated 29th November 1929 between the Commission and the said Beauharnois Light, Heat and Power Company amended thereby; and

(*c*) Ottawa Valley Power Company dated 4th February 1937 together with the following two contracts amended thereby, viz., the "Power Contract" dated 15th February 1930 between the Commission and Chats Falls Power Company (the former name of said Ottawa Valley Power Company) and the so-called "Operating Agreement" dated 24th February 1931 between the Commission and said Ottawa Valley Power Company;

and it is agreed that the carrying out and performance by the Commission of the terms (other than terms to the same effect as the foregoing proviso) of any of the said contracts dated earlier than a date in 1937 as so amended respectively by the said contracts dated in 1937 and/or of the said contract dated 1st February 1936 between the Commission the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of the foregoing proviso;"

(B) Clause 3 (*j*) set out in the 1936 60 Cycle Contract is struck out;

(C) Clause 4 (*a*) set out in the 1936 60 Cycle Contract is amended by inserting after the word "defined" in the first paragraph thereof the words "and determined" and by striking out the second and third paragraphs thereof and substituting therefor the following:

"(1) The Contract Demand shall be Forty-two Thousand horsepower (42,000 h.p.) from the first day of December 1937 to the thirtieth day of September 1938, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of Forty-two Thousand horsepower (42,000 h.p.) may be increased up to but not in excess of Sixty Thousand horsepower (60,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this Agreement unless and until increased pursuant to the provisions of paragraph (2) next following;

(2) The Contract Demand shall be Sixty Thousand Horsepower (60,000 h.p.) from the first day of October 1938 and shall continue at Sixty Thousand horsepower (60,000 h.p.) throughout the remainder of the term of this Agreement;"

and by inserting "(3)" as the number of the fourth paragraph of the said Clause 4 (*a*) as it appears in the 1936 60 Cycle Contract and by striking out the last paragraph of the said Clause 4 (*a*);

(D) Clause 14 set out in the 1936 60 Cycle Contract is struck out and the following substituted therefor:—

"This Agreement shall continue in force to and including the 30th day of November 1970 and shall bind and enure to the benefit of the respective successors of the parties;"

4. Subject to the provisions of Clause 1 of this Agreement, the Original 60 Cycle Contract as hereby amended is hereby ratified and confirmed and shall continue to be in full force and effect.

5. Subject to the provisions of Clause 1 of this Agreement, execution of this Agreement by the Transmission Company shall for all purposes be deemed to be the execution by it of the Original 60 Cycle Contract subject to the terms of this Agreement and with the amendments herein contained.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers:

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA. (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Acting Secretary & Controller.*
GLYN OSLER. (POWER COMPANY SEAL)	GATINEAU POWER COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*
GLYN OSLER. (TRANSMISSION CO. SEAL)	GATINEAU TRANSMISSION COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*

SCHEDULE B

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BY and BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO (hereinafter called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation (hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation (hereinafter called the "Transmission Company")

WHEREAS the Commission and the Power Company heretofore executed an Indenture dated the 19th day of May 1926 (hereinafter called the "Original 25 Cycle Contract") relating to the delivery by the Power Company to the Commission of electrical power and energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture, and said parties executed five (5) other Indentures supplementary to the first mentioned Indenture (hereinafter collectively called the "Supplementary Agreements");

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 8th day of February 1936 (hereinafter called the "1936 25 Cycle Contract") relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. (*a*) Subject to the provisions of Clause 1 (*b*), this Agreement shall be effective on and from the 1st day of December 1937, and shall terminate on and from the 1st day of May 1938, unless prior to said date the Legislature of the Province of Ontario shall have passed the Act provided for in Clause 1 (*c*) of this Agreement, and further, notwithstanding the passing of the said Act prior to said date, shall terminate on and from the 1st day of August 1938, if (i) prior to the 15th day of July 1938, the Contracts of even date herewith between the Commission, Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, and between the Commission, Maclaren-Quebec Power Company and The James Maclaren Company Limited have not become fully and unconditionally effective, and (ii) prior to the said first day of August 1938, the Power Company and the Transmission Company shall have given notice in writing to the Commission that this Agreement shall terminate;

1. (*b*) So long as this Agreement is subject to termination under the provisions of Clause 1 (*a*), the rights of the parties respectively under any other contract or contracts shall not be released or in any way affected by this Agreement save during the period from the 1st day of December 1937 to the 1st day of May 1938, or the 1st day of August 1938, as the case may be, and in case this Agreement is terminated under the provisions of Clause 1 (*a*) the parties hereto shall revert as from the date on which this Agreement so terminates to their respective positions as though this Agreement had not been entered into, and all accounts between the parties for anything arising out of this Agreement shall be settled as of the date on which this Agreement so terminates;

1. (*c*) The Commission shall apply to the Legislature of the Province of Ontario at its session to be held first after the 1st day of January 1938 for an Act to ratify and confirm this Agreement and the Original 25 Cycle Contract as amended hereby and declaring that the rights of the Power Company and of the Transmission Company under or arising out of this Agreement or the Original 25 Cycle Contract as amended hereby shall in no way be limited or affected by anything contained in The Power Commission Act 1935, The Power Commission Amendment Act 1937, The Power Commission Declaratory Act 1937, or The Privy Council Appeals Amendment Act 1937, all Acts of the said Legislature:

2. Subject to the provisions of Clause 1 of this Agreement, (*a*) the Commission hereby releases the Power Company, and the Power Company hereby releases the Commission, from any and all claims under or in connection with the Original 25 Cycle Contract and the Supplementary Agreements in respect of any matters prior to the first day of December 1937 and (*b*) the Commission hereby releases the Power Company and the Transmission Company, and the Power Company and the Transmission Company hereby release the Commission, from any and all claims under or in connection with the 1936 25 Cycle Contract which have heretofore arisen or may hereafter arise:

3. Subject to the provisions of Clause 1 of this Agreement, the Original 25 Cycle Contract and the Supplementary Agreements are hereby amended by—

(i) Striking out all the provisions of the Supplementary Agreements;

(ii) Calling Gatineau Power Company the "Power Company" instead of "the Company" and referring to it as the "Power Company" in, and adding the Transmission Company as a party to, and referring to it as the "Transmission Company" in, the Original 25 Cycle Contract;

(iii) Striking out the third recital of the Original 25 Cycle Contract and substituting therefor the following:—

> "And Whereas the Power Company is prepared to deliver to the Transmission Company for transmission and delivery to the Commission, and the Transmission Company is prepared to deliver to the Commission at the point hereinafter provided, electrical power and energy from the Power Company's developments on the Gatineau River in the Province of Quebec, and the Power Company and the Transmission Company are willing to enter into an agreement with the Commission for such purpose;" and

(iv) Striking out Clauses 1 to 12 both inclusive of the Original 25 Cycle Contract and substituting therefor Clauses 1 to 16 both inclusive set out in the 1936 25 Cycle Contract but with and subject to the following amendments thereto:—

(A) Clause 3 (*a*) set out in the 1936 25 Cycle Contract is amended by adding thereto the following:—

> "Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Agreement a higher rate is paid by the Commission, directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Niagara System, then the rate payable under this Agreement during any such time shall be such higher rate: the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with:—
>
> (*a*) Maclaren-Quebec Power Company and The James Maclaren Company Limited dated 14th December 1937 together with the contract amended thereby, viz., the contract dated 20th December 1930 between the Commission and the said The

James Maclaren Company Limited, the contract dated 14th January 1931 between the Commission, the said The James Maclaren Company Limited and the said Maclaren-Quebec Power Company and the contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited;

(*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited dated 14th December 1937 together with the contract dated 29th November 1929 between the Commission and the said Beauharnois Light, Heat and Power Company amended thereby; and

(*c*) Ottawa Valley Power Company dated 4th February 1937 together with the following two contracts amended thereby, viz., the "Power Contract" dated 15th February 1930 between the Commission and Chats Falls Power Company (the former name of said Ottawa Valley Power Company) and the so-called "Operating Agreement" dated 24th February 1931 between the Commission and said Ottawa Valley Power Company;

and it is agreed that the carrying out and performance by the Commission of the terms (other than terms to the same effect as the foregoing proviso) of any of the said contracts dated earlier than a date in 1937 as so amended respectively by the said contracts dated in 1937 and/or of the said contract dated 1st February 1936 between the Commission, the said Maclaren-Quebec Power Company and the said The James Maclaren Company Limited, shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of the foregoing proviso;"

(B) Clause 3 (*j*) set out in the 1936 25 Cycle Contract is struck out;

(C) Clause 4 (*a*) set out in the 1936 25 Cycle Contract is amended by inserting after the word "defined" in the first paragraph thereof the words "and determined" and by striking out the second, third and fourth paragraphs thereof and substituting therefor the following:—

"(1) The Contract Demand shall be One Hundred and Sixty-five Thousand horsepower (165,000 h.p.) from the First day of December 1937 to the 31st day of October 1938, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of One Hundred and Sixty-five Thousand Horsepower (165,000 h.p.) may be increased up to but not in excess of Two Hundred and Sixty Thousand Horsepower (260,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this Agreement unless and until increased pursuant to the provisions of paragraph (2) or paragraph (3) next following:

(2) The Contract Demand shall be Two Hundred Thousand horsepower (200,000 h.p.) (or such greater amount as the Commission may have ordered pursuant to the provisions of paragraph (1) next above) from the first day of November 1938 to the 31st day of October 1939, except that at any time and from time to time by written order, but not otherwise, given by the Commission to the Power Company the said amount of Two Hundred Thousand horsepower (200,000 h.p.) (or such greater amount as the Commission may have ordered pursuant to the provisions of paragraph (1) next above) may be increased up to but not in excess of Two Hundred and Sixty Thousand horsepower (260,000 h.p.) to take effect as the Contract Demand from the day specified in such written order and to continue throughout the remainder of the term of this agreement unless and until increased pursuant to the provisions of paragraph (3) next following:

(3) The Contract Demand shall be Two Hundred and Sixty Thousand horsepower (260,000 h.p.) from the 1st day of November 1939 and shall continue at Two Hundred and Sixty Thousand horsepower (260,000 h.p.) throughout the remainder of the term of this Agreement;"

and by inserting "(4)" as the number of the last paragraph of the said Clause 4 (*a*) as it appears in the 1936 25 Cycle Contract;

(D) Clause 14 set out in the 1936 25 Cycle Contract is struck out and the following substituted therefor:—

"This Agreement shall continue in force to and including the 30th day of November 1970, and shall bind and enure to the benefit of the respective successors of the parties."

4. Subject to the provisions of Clause 1 of this Agreement, the Original 25 Cycle Contract as hereby amended is hereby ratified and confirmed and shall continue to be in full force and effect:

5. Subject to the provisions of Clause 1 of this Agreement, execution of this Agreement by the Transmission Company shall for all purposes be deemed to be the execution by it of the Original 25 Cycle Contract subject to the terms of this Agreement and with the amendments herein contained:

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Act. Secretary & Controller.*
GLYN OSLER. (POWER COMPANY SEAL)	GATINEAU POWER COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*
GLYN OSLER. (TRANSMISSION CO. SEAL)	GATINEAU TRANSMISSION COMPANY. (Sgd.) G. GORDON GALE, *President.* (Sgd.) J. R. BINKS, *Secretary.*

SCHEDULE C

THIS AGREEMENT made this Fourteenth day of December A.D. 1937,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO hereinafter called the "Commission"

OF THE FIRST PART

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY, a Quebec Corporation, hereinafter called the "Power Company"

OF THE SECOND PART

—and—

COTEAU RAPIDS TRANSMISSION COMPANY LIMITED, a Dominion Corporation, hereinafter called the "Transmission Company"

OF THE THIRD PART.

WHEREAS the Commission and the Power Company heretofore executed an Agreement, dated the 29th day of November 1929, (hereinafter called the "Power Contract") relating to the delivery to the Commission by the Power Company (therein called the "Company") of electrical power and energy upon the terms set forth in the said Power Contract;

AND WHEREAS the Transmission Company is incorporated under the provisions of The Companies Act (Canada) with power to transmit electrical power and energy;

AND WHEREAS the parties hereto have mutually agreed to certain modifications to the Power Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations contained herein, the parties hereto agree as follows:

1. The Power Contract is hereby amended as follows:

(*a*) Clauses 1 (*a*), 1 (*b*) and 1 (*c*) are amended by striking out the words "and thereafter so long as this agreement shall continue in force" and substituting therefor the words "until the thirty-first day of October 1935," and Clause 1 (*c*) is further amended by striking out the words "until such contract demand is increased as provided in sub-clause (*d*) next following" and substituting therefor the words "until the thirty-first day of October 1935."

(*b*) Clauses 1 (*d*), 1 (*e*) and 1 (*f*) are struck out and the following substituted therefor as clause 1 (*d*):

"To keep available for delivery to the Commission and to deliver to the Commission, from time to time, when and as required by the Commission, commencing on the Fourteenth day of December 1937 and thereafter so long as this agreement shall remain in force, the hereinafter mentioned quantities of electrical power and energy on the conditions herein contained: A minimum of one hundred and twenty-five thousand horsepower (125,000 h.p.) which shall constitute the minimum contract demand until such minimum contract demand is increased; the said minimum contract demand shall be increased as follows:—

On or before the first day of November 1938, to a minimum amount of one hundred and fifty thousand horsepower (150,000 h.p.);

On or before the first day of November 1941, to a minimum amount of two hundred thousand horsepower (200,000 h.p.);

On or before the first day of November 1942, to a minimum amount of two hundred and twenty-five thousand horsepower (225,000 h.p.), and—

On or before the first day of November 1943, to a minimum amount of two hundred and fifty thousand horsepower (250,000 h.p.).

The respective progressively increasing minimum amounts of horsepower hereinbefore mentioned shall constitute the respective minimum contract demands until a minimum amount of two hundred and fifty thousand horsepower (250,000 h.p.) has been reached, which last mentioned amount of horsepower shall constitute the maximum contract demand during the term of this agreement; provided however that should the minimum amounts of horsepower hereinbefore mentioned or any of them be at any time or from time to time increased by the Commission by order in writing the minimum contract demand or contract demands, as the case may be, shall be increased by a corresponding amount or amounts up to a maximum of two hundred and fifty thousand horsepower (250,000 h.p.) and shall not be thereafter decreased; the respective minimum contract demands shall not be increased before the dates above set out, except upon order in writing by the Commission."

(*c*) Clause 2 (*c*) is amended by striking out the words "Eighty-five per cent (85%)" and substituting therefor the words "Seventy-five per cent (75%)," and by striking out the words "One Hundred and Six and Fifty-three Hundredths Kilowatt-hours (106.53 kw.h.)" and substituting therefor the words "Ninety-four Kilowatt-hours (94 kw.h.)."

(*d*) Clause 3 (*a*) is amended by striking out the words "to 1st October 1935" following the words "1st October 1934," and substituting therefor the words "to 31st October 1935," and by striking out the words "Two Hundred and Forty-five Thousand Dollars ($245,000.00) per month from 1st October 1935 to 1st October 1936; Three Hundred and Twelve Thousand Five Hundred Dollars ($312,500.00) per month from 1st October 1936 and thereafter so long as this agreement shall continue in force; the amount of dollars per month is obtained by multiplying the amount of the then contract demand as determined in Clause 1 hereof, by one and one-quarter (1¼)" and substituting therefor the words:—

"To pay to the Company in monthly payments subsequent to January first 1938, for all power and energy under this contract, an amount in dollars per month obtained by multiplying the amount of the contract demand established from time to time under clause 1 of this Contract, by twenty-five twenty-fourths (25/24ths) which is at the rate of twelve dollars and fifty cents ($12.50) per annum per horsepower of contract demand; provided, however, that such monthly payments shall not at any time or times be less than the amount in dollars obtained by multiplying the minimum contract demand, as determined from time to time in Clause 1 hereof, by twenty-five twenty-fourths (25/24ths); and provided also that the Commission shall pay to the Company for electrical power and energy kept available for delivery and delivered to the Commission from Fourteenth day of December 1937 to the first day of January 1938, eighteen thirty firsts (18/31sts) of twenty-five twenty-fourths (25/24ths) of the contract demand as determined under Clause 1 hereof," and by adding at the end of Clause 3 (*a*) the following words:

"Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945, during the term of this Contract, a higher rate is paid by The Hydro-Electric Power Commission of Ontario, directly or indirectly, to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Niagara System, then the rate payable under this Contract during any such time shall be such higher rate; the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with (*a*) Gatineau Power Company and Gatineau Transmission Company, (*b*) Maclaren-Quebec Power Company and The James Maclaren Company Limited, all dated 14th day of December 1937 together with the several earlier contracts amended thereby and the 1936 contracts with the said

Companies, and (*c*) the Commission's contract with Ottawa Valley Power Company dated 4th February 1937 together with the earlier contracts with said Company amended thereby, and it is agreed that the carrying out and performance by the Commission of the terms of any of the said earlier contracts as so amended respectively by agreements made in 1937 and/or of the said 1936 contracts with the said Gatineau Companies and with the said Maclaren Companies shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of this proviso;"

(*e*) Clause 3 (*b*) is amended by striking out the words and figures "Six per cent (6%)" and substituting therefor "Five per cent (5%)";

(*f*) Clause 3 (*d*) is amended by striking out the words "clauses 1 (*a*), 1 (*b*), 1 (*c*), 1 (*d*), 1 (*e*) and 1 (*f*)" and substituting therefor the words "Clause 1";

(*g*) Clause 5 (*e*) is amended by striking out the figures "106.53" and substituting therefor the figures "94," and by striking out the words "eighty-five per cent (85%)" and substituting therefor the words "seventy-five per cent (75%);"

(*h*) Clause 9 is struck out and the following substituted therefor: "The rates to be paid and payments to be made by the Commission as set out in Clause 3 shall (except as to any taxes imposed by the Province of Ontario) include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this agreement or any part thereof";

(*i*) Clause 10 is struck out and the following substituted therefor: "This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force beginning on the first day of October 1932 and extending until November 1st 1976; this Agreement may be extended up to June 23rd, A.D. 2003, upon mutual agreement of the parties hereto";

2. The Transmission Company by these presents takes cognizance of the obligations of the Power Company under the Power Contract as amended by this agreement and, with the consent of the Power Company, hereby covenants and agrees with the Commission to receive from the Power Company at the exterior face of the wall of the power house of the Power Company and to transmit over its transmission line and/or lines and to deliver to the Commission when and as required by the Commission the electrical power and energy covered by the Power Contract as so amended upon and subject to the terms thereof;

3. The Transmission Company covenants and agrees that it will maintain in efficient operating condition the existing transmission line and facilities incidental thereto, and to provide as and when required and thereafter maintain in efficient operating condition, a second transmission line of the same design and capacity and running between the same points as the existing transmission line;

4. The Power Company covenants and agrees that the Transmission Company which is a wholly owned subsidiary will fulfil its obligations to the Commission under this agreement and that it will duly provide and make available the electrical power and energy required to enable the covenants of the Transmission Company to be duly fulfilled but nothing in this clause or in clauses 2 and 3 hereof shall relieve the Power Company of any of its obligations to the Commission under any other clause of this agreement or the Power Contract as amended hereby;

5. If this agreement be finally ratified as hereinafter provided, then (*a*) all accounts, charges and claims of every kind between the Commission and the Power Company arising out of or connected with the Power Contract up to the date of this agreement or for the inspection of materials and other engineering services are hereby cancelled; (*b*) the monies paid into court in any litigation between any of the parties hereto shall be paid out of court to the parties respectively, who paid in the same, and the parties hereto will secure and furnish all necessary consents therefor;

6. The present appeal to His Majesty's Privy Council now pending between the Commission and the Power Company shall be postponed;

and all proceedings in any other actions pending between any of the parties shall be stayed until the final ratification of this agreement or until the time fixed therefor has expired;

7. Upon the said ratification of this agreement the said appeal and all other litigation between the parties hereto or any of them shall be discontinued without costs and the Power Company shall have no claim for any money payment against the Commission under the said judgment appealed from and will give the Commission a satisfaction piece or other release in respect of any money directed to be paid thereunder;

8. This agreement shall be effective on and after the date hereof, but shall cease to be effective on and after the first day of July 1938, unless prior to that date the Trustee for the bondholders of the Power Company shall have given a valid consent to the modifications and changes in the Power Contract as herein provided, and this agreement and the original contract as amended by this agreement shall have been ratified by Act of the Ontario Legislature which said ratifying Act shall also declare that the rights of the Power Company under or arising out of this agreement or the original contract as amended hereby shall in no way be limited or affected by anything contained in Chapter 53 of the Statutes of Ontario, 25 George V, or in any of the three Acts already passed and/or proclaimed in the year 1937 known as "The Power Commission Amendment Act, 1937," "The Power Commission Declaratory Act, 1937," and "The Privy Council Appeals Amendment Act, 1937";

9. Pending such consent and ratification, the Power Contract as hereby amended shall be in full force and effect, but if such consent and ratification be not finally obtained by the first day of July 1938, then the parties hereto shall revert to their respective positions as though this agreement had not been entered into, but all accounts for anything arising out of this agreement shall be settled as of the first day of July 1938;

10. The parties further agree that in case any of them shall at any time deem it advisable to obtain further legislative or other authority or power, to remove any doubt that may exist in regard to the power of the parties or any of them to enter into and perform this agreement and the agreement between them herein referred to, the other parties hereto shall, at the request of such first mentioned party, join in any application for and co-operate in obtaining such further legislative or other authority or power, but shall not be required to bear any part of the expense of such application.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto:

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Acting Secretary and Controller.*
R. A. C. HENRY. (POWER COMPANY SEAL)	BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY. (Sgd.) GEO. H. MONTGOMERY, *Vice-President.* (Sgd.) C. C. PARKES, *Secretary.*
R. A. C. HENRY. (TRANSMISSION CO. SEAL)	COTEAU RAPIDS TRANSMISSION COMPANY LIMITED. (Sgd.) GEO. H. MONTGOMERY, *Vice-President.* (Sgd.) C. C. PARKES, *Secretary.*

SCHEDULE D

THIS AGREEMENT dated this Fourteenth day of December A.D. 1937,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission"

MACLAREN-QUEBEC POWER COMPANY, a Quebec Corporation, hereinafter called the "Power Company"

—and—

THE JAMES MACLAREN COMPANY LIMITED, a Dominion Corporation, hereinafter called the "Transmission Company."

WHEREAS the Commission and the Transmission Company heretofore executed an Indenture dated the 20th day of December 1930, hereinafter called the "Original Contract," relating to the delivery by the Transmission Company to the Commission of electrical power and energy upon the terms set forth in said Indenture;

AND WHEREAS the Transmission Company, the Power Company and the Commission heretofore executed an Indenture dated the 14th day of January 1931, hereinafter called the "Transfer Agreement," whereby, among other things, the Power Company acquired the rights and assumed the obligations of the Transmission Company under the Original Contract;

AND WHEREAS the Commission, the Power Company and the Transmission Company heretofore executed an Indenture dated the 1st day of February, 1936, hereinafter called the "1936 Contract," relating to the sale by the Power Company and delivery by the Transmission Company to the Commission of electrical power and energy upon the terms set forth in said Indenture;

AND WHEREAS the parties desire to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. The provisions of the Transfer Agreement shall not apply to the Original Contract as amended hereby;

2. The Original Contract is hereby amended as follows:

(i) The James Maclaren Company Limited is called the "Transmission Company" instead of the "Company" and is made the party of the Third Part, and the Maclaren-Quebec Power Company is called the "Power Company" and is added as party of the Second Part to the Original Contract;

(ii) The second and third recitals are struck out and the following substituted therefor:

"And Whereas the Transmission Company is duly incorporated under the laws of the Dominion of Canada with power to produce and sell electrical power and energy;

And Whereas the Power Company is prepared to deliver electrical power and energy to the Transmission Company for transmission to the Commission as hereinafter provided and to guarantee to the Commission the performance by the Transmission Company of all

the obligations of the Transmission Company to the Commission under this Agreement;"

(iii) Clauses 1 to 12 both inclusive and Clause 14 of the Original Contract are struck out and there are substituted therefor Clauses 1 to 17 both inclusive and Clause 19 of the 1936 Contract but with and subject to the following amendments:

(A) Clause 1 (*a*) is struck out and the following substituted therefor:—

"(*a*) To keep available for delivery and to deliver to the Transmission Company for transmission and delivery to the Commission, when and as required by the Commission on the conditions herein contained commencing on the Fourteenth day of December 1937 and thereafter so long as this Agreement shall remain in force, the hereinafter mentioned quantities of electrical power and energy;

A minimum of Forty Thousand horsepower (40,000 h.p.) which shall constitute the minimum contract demand until such minimum contract demand is increased as herein provided;

The said minimum contract demand shall be increased as follows:

On the first day of November 1938 to a minimum contract demand of Sixty Thousand horsepower (60,000 h.p.);

On the first day of November 1940 to a minimum contract demand of Eighty Thousand horsepower (80,000 h.p.);

On the first day of November 1944 to a contract demand of One Hundred Thousand horsepower (100,000 h.p.);

The contract demand may with the consent of the Power Company be increased by the Commission by written order beyond the said minimum contract demands but the contract demand shall not be increased beyond the said minimum contract demands except upon an order in writing by the Commission and in any event shall not be increased beyond the said contract demand of One Hundred Thousand horsepower (100,000 h.p.);

Whenever the contract demand shall have been increased as above provided it shall not thereafter be decreased and shall remain the contract demand during the remainder of the term of this Agreement unless further increased;"

(B) Clause 3 (*a*) is amended by adding thereto the following:—

"Provided, however, that if at any time or times hereafter subsequent to the 30th day of September 1945 during the term of this Contract a higher rate is paid by the Commission directly or indirectly to any other corporation or person for electrical power (from water) generated in the Province of Quebec, or from Quebec water in the Ottawa River or by virtue of Quebec water rights in the Ottawa River, for use in the Commission's Niagara System, then the rate payable under this Contract during any such time shall be such higher rate; the Power Company and the Transmission Company acknowledge that the Commission has communicated to them the terms of the Commission's contracts with (*a*) Gatineau Power Company and Gatineau Transmission Company, (*b*) Beauharnois Light, Heat and Power Company and Coteau Rapids Transmission Company Limited, all dated 14th day of December, 1937, together with the earlier contracts with the said Companies amended thereby and the 1936 contracts with Gatineau Power Company and Gatineau Transmission Company and (*c*) the Commission's contracts with Ottawa Valley Power Company dated 4th February 1937, together with the earlier

contracts with the said Company amended thereby, and it is agreed that the carrying out and performance by the Commission of the terms of any of the said earlier contracts as so amended, respectively, by agreements made in 1937 and/or of the said 1936 contracts with the said Gatineau Companies shall not be deemed to constitute payment directly or indirectly by the Commission of a higher rate within the meaning of this proviso;"

(C) Clause 10 is amended by inserting after the word "energy" in the twenty-fourth line of the said Clause the words "from the Masson Generating Station of the Power Company" and by inserting after the words "Transmission Company" in the twenty-sixth line of the said Clause the words "or the use of such power or energy by the Power Company for its own purposes otherwise than for the maintenance or operation of its power plant and system";

(D) Clause 14 is struck out and the following substituted therefor:—

"This Agreement shall continue in effect until the 31st day of October, A.D. 1970;"

(iv) Clause 13 of the Original Contract is re-numbered 18 and is amended by inserting the word "Power" before the word "Company" wherever the word "Company" appears in the said clause;

(v) Clause 20 is added and shall read as follows:—

"This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively but any assignment other than an assignment to an assignee who shall have complied with Clause 18 shall be subject to the consent in writing of the Commission, which consent shall not be unreasonably withheld;

3. Execution of this Agreement by the several parties hereto shall for all purposes be deemed to be the execution by each of them of the Original Contract subject to the terms of this Agreement and with the amendments herein contained:

4. If this Agreement be finally ratified as hereinafter provided, then there are hereby cancelled all accounts, charges and claims of every kind between the Commission on the one hand and the Power Company and/or the Transmission Company on the other hand arising out of or connected with (*a*) the Original Contract up to the date of this Agreement; (*b*) the 1936 Contract at any time whether heretofore or hereafter except as to current accounts thereunder for power delivered and taken subsequent to the First of November 1937 up to the date of this Agreement:

5. This Agreement shall be effective on and from the date hereof but shall cease to be effective on and after the first day of July 1938 unless prior to that date (*a*) this Agreement and the Original Contract as amended by this Agreement shall have been ratified by Act of the Ontario Legislature, which said ratifying Act shall also declare that the rights of the Power Company and/or the Transmission Company shall in no way be limited or affected by anything contained in The Power Commission Act 1935, Chapter 53, The Power Commission Declaratory Act 1937, Chapter 58, The Power Commission Amendment Act 1937, Chapter 59, or the Privy Council Appeals Amendment Act 1937, Chapter 62, all Acts of the Ontario Legislature; (*b*) the Trustee for the bondholders of the Power Company shall have given valid consent to this Agreement:

6. Pending such ratification and consent this Agreement and the Original Contract as amended by this Agreement shall be in full force and effect, but if the said ratification and consent be not finally obtained by the first day of July 1938, then the parties hereto shall revert to their respective positions as though this Agreement had not been entered into but all accounts between the parties for anything arising out of this Agreement shall be settled as of the first day of July 1938;

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed under their corporate seals and the signatures of their proper officers duly authorized thereto:

SIGNED, SEALED AND DELIVERED In the presence of W. GEORGE HANNA. (COMMISSION SEAL)	THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO. (Sgd.) T. H. HOGG, *Chairman.* (Sgd.) R. T. JEFFERY, *Act. Secretary & Controller.*
J. R. CARTWRIGHT. (POWER COMPANY SEAL)	MACLAREN-QUEBEC POWER COMPANY. (Sgd.) T. F. KENNY, *Director.* (Sgd.) J. A. BRYANT, *Secretary.*
J. R. CARTWRIGHT. (TRANSMISSION CO. SEAL)	THE JAMES MACLAREN COMPANY LIMITED. (Sgd.) T. F. KENNY, *Director.* (Sgd.) J. A. BRYANT, *Secretary.*

BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario.

1st Reading

March 14th, 1938

2nd Reading

April 5th, 1938

3rd Reading

April 7th, 1938

MR. HOUCK

1938

No. 72

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Drainage Act.

MR. MACFIE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 72 1938

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Municipal Drainage Amendment Act, 1938.*

Rev. Stat., c. 278, s. 13, amended.

2. *The Municipal Drainage Act* is amended by adding thereto the following section:

Variations in assessments for maintenance.

13*a*. Where the engineer or surveyor deems it equitable that the expense of maintenance of a drainage work be assessed upon a basis different from that upon which the expense of its construction is to be assessed, he shall determine and in a separate assessment schedule report the basis upon which the expense of maintenance of the whole work or of any portion or portions thereof shall be assessed.

Rev. Stat., c. 278, s. 21 par. 2, amended.

3. Paragraph 2 of section 21 of *The Municipal Drainage Act* is amended by striking out the words "at a rate of not less than four per centum per annum" at the end and inserting in lieu thereof the words "at such rate as the by-law may provide," so that the said paragraph shall now read as follows:

Borrowing funds.

2. For borrowing on the credit of the municipality the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the cost of appeal, if any, in sums of not less than $50 each, and payable within twenty years from date, except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date, with interest at such rate as the by-law may provide.

Explanatory Notes

Section 2. The amendment enables an engineer submitting a report on the construction of a proposed drainage work to vary the expense of maintenance on an equitable basis in cases where all of the lands assessed for the cost should not be assessed for maintenance.

Section 3. The Act now requires that drainage expenditures bear a minimum rate of 4 per cent per annum, and it is desirable to amend that provision because some municipalities are now able to sell debentures bearing a lower rate of interest.

BILL

An Act to amend The Municipal Drainage Act.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. MACFIE

1938

No. 72

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Drainage Act.

MR. MACFIE

TORONTO
PRINTED BY T. E. BOWMAN
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Borrowing funds.

2. For borrowing on the credit of the municipality the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the cost of appeal, if any, in sums of not less than $50 each, and payable within twenty years from date, except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date, with interest at such rate as the by-law may provide

BILL

An Act to amend The Municipal Drainage Act.

1st Reading

March 15th, 1938

2nd Reading

March 21st, 1938

3rd Reading

April 7th, 1938

Mr. Macfie

No. 73

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Horticultural Societies.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 73 1938

BILL

An Act respecting Horticultural Societies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Horticultural Societies Act, 1938.*

Interpretation.

2. In this Act,—

"Board."

(*a*) "Board" shall mean board of directors elected under the provisions of this Act;

"Department."

(*b*) "Department" shall mean Department of Agriculture;

"Minister."

(*c*) "Minister" shall mean Minister of Agriculture;

"Society."

(*d*) "Society" shall mean horticultural society organized under this Act or under any former *Horitcultural Societies Act* or *Agriculture and Arts Act;*

"Superintendent."

(*e*) "Superintendent" shall mean Superintendent of Horticultural Societies.

Minister to decide matters of dispute.

3. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final.

Society,—organization of.

4.—(1) A society may be organized in any city, town, township or village and in a police village having a population of not less than 200, or in any two of such municipalities which are adjoining.

Additional societies.

(2) In a city having a population of 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.

Organization.

5. The mode of organization shall be as follows:

Agreement.

(*a*) An agreement in the form prescribed by the Minister shall be signed by the persons resident in the muni-

Explanatory Notes

This Bill deletes sections and parts of sections of the present Act that are spent, makes additions to the Act and rearranges the Act by grouping sections pertaining to the same subject.

Section 2. A definition of "Board" is included in this section.

Section 3. This section provides that in matters of doubt or dispute the decision of the Minister shall be final.

Section 4. This section provides that societies may be organized in police villages having a population of 200 or more, and in adjoining municipalities, as well as in other municipalities.

Section 5. This section provides the mode of organization,—

Clause (*a*) provides that the form of agreement to be used shall be prescribed by the Minister.

cipality or municipalities in which the society is to be organized, who desire to organize a society.

Signatories to agreement.

(*b*) In the case of a city having a population of 30,000 or over the number of persons signing such agreement shall be at least 125; in the case of a city having a population of less than 30,000, the number shall be at least 100; in the case of a town having a population of 2,000 or over the number shall be at least 60; and in the case of a town having a population of less than 2,000 and a township, village and police village the number shall be at least 25; provided that, for the purposes of this clause, where a society is to be organized in two adjoining municipalities the society shall be deemed to be in the larger of such municipalities.

Fee payable by signatories.

(*c*) Every person who signs the agreement shall pay to the person having charge thereof, the sum of $1 and all such sums shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto.

Calling meeting for organization of society.

(*d*) Within two months after the date of the first signature to the agreement, such agreement shall be transmitted to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of a society.

Organization meeting,— when to be held.

(*e*) Such organization meeting shall be held during the month of January or at such other time as the Superintendent may authorize, upon at least one week's notice published in a newspaper having a general circulation in the municipality.

Quorum.

(*f*) At the organization meeting and at every regular meeting of a society, ten members shall constitute a quorum.

President, vice-president, auditors, directors,— election of.

(*g*) At the organization meeting there shall be elected a president, a first vice-president, a second vice-president and two auditors who shall hold office until the next annual meeting, and ten directors, five of whom shall hold office until the next annual meeting and five of whom shall hold office until the next following annual meeting, provided that where any officer or director so elected has not paid the sum of $1 as provided by clause *c* he shall pay such sum to the treasurer or secretary-treasurer within two weeks of such election.

Clause (*b*) prescribes the number of signatures necessary on an agreement and reduces the number necessary in the case of the smaller municipalities.

Clause (*c*) requires each person signing the organization agreement to pay a fee of $1.

Clause (*d*) provides for the calling of the organization meeting.

Clause (*e*) provides that the organization meeting shall be in January or at such other time as the Superintendent may authorize, in place of "between the 8th and 14th of April."

Clause (*f*) provides that the quorum of the organization meeting and the regular meetings of a society shall be ten.

Clause (*g*) provides for the election of the president, vice-president, directors and auditors.

Board,—composition of.

(*h*) The board shall comprise the president, first vice-president, second vice-president and the ten directors.

Secretary and treasurer of board.

(*i*) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer, shall be a member of every committee which may be appointed by the board.

Bond to be furnished by secretary or treasurer.

(*j*) The board may require the treasurer or secretary-treasurer to furnish such bond as may be deemed necessary to ensure the faithful performance of his duties and the proper administration of all funds belonging to the society coming into his hands and where no such bond is required by the board, every member of the board shall be personally liable for all funds belonging to the society which come into the hands of the treasurer.

Report of organization meeting.

(*k*) A report of the organization meeting, certified by the president, the secretary and the person calling the meeting, containing a statement of the number of members and a list of the officers and directors elected and appointed, together with their addresses, shall be sent to the Superintendent by the secretary within one week after the holding of the meeting.

Declaration of society.

6. Upon the receipt of such report the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act.

Combination of societies.

7. Subject to the approval of the Minister any two or more societies may combine to form one society on such terms and conditions as the Minister may prescribe.

Dissolution of society upon petition.

8. Upon the petition of not less than twenty-five members of a society the Minister may dissolve such society and may constitute two or more societies upon such terms and conditions as he may deem proper.

Persons entitled to membership.

9.—(1) Every person of the full age of sixteen years or over shall be entitled to membership in a society.

Partnership or company may be member of society.

(2) Subject to the by-laws and regulations of a society, a partnership or incorporated company may become a member thereof upon payment of the prescribed fee, but in every such case such partnership or company shall delegate one person to exercise the privileges of membership in the society.

Membership fee.

(3) In every society there shall be an annual membership fee of not less than fifty cents.

Clause (*h*) provides for the composition of the Board.

Clause (*i*) provides for the appointment by the Board of a secretary and a treasurer, or a secretary-treasurer.

Clause (*j*) provides that the Board may require the treasurer, or the secretary-treasurer, to furnish a bond.

Clause (*k*) provides for the report of the organization meeting being sent to the Superintendent.

SECTION 6. This section makes provision for a newly organized society to be declared a society within the meaning of the Act.

SECTION 7. Provides that with the approval of the Minister, two or more societies may be combined.

SECTION 8. Provides for the dissolution of a society by the Minister, upon petition.

SECTION 9.—(1) It is now provided that every person sixteen years or over, in place of eighteen years or over, may join a society.

(2) Partnerships and incorporated companies will, under the proposed Act, be permitted to become members of a society.

(3) The annual membership fee, under the proposed Act, is fifty cents, in place of $1.

Fiscal year.

(4) The fiscal year of every society shall be the calendar year unless the Minister otherwise authorizes.

Voting of members.

(5) Every member in good standing of a society shall be entitled to vote on all questions coming before a regular or special meeting of the society.

Objects of society.

10.—(1) The object of a society shall be to encourage interest and improvement in horticulture,—

(*a*) by holding meetings for instructions and discussion on subjects connected with the theory and practice of horticulture;

(*b*) by encouraging the improvement of home and public grounds by the planting of trees, shrubs and flowers, and by otherwise promoting out-door art and public beautification;

(*c*) by interesting juveniles and others in the study of horticulture by the holding of contests and competitions and by such other means as may be considered proper;

(*d*) by holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs;

(*e*) by the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture; and

(*f*) by promoting the circulation of horticultural periodicals.

Expenditure of annual receipts.

(2) A society shall not expend more than one-half of its total annual receipts, other than grants or donations made for specific purposes, upon any one of the projects enumerated in subsection 1, except for the purposes of planting trees, shrubs and plants on public grounds and the promotion of out-door art and public beautification.

Funds not to be expended for purposes other than improvement in horticulture.

(3) None of the funds of a society shall be expended for any purpose not indicated in subsection 1, and a society which violates any of the provisions of this section shall not be entitled to the Government grant for the year during which such violation occurs, or where the grant for such year has already been paid, for the next following year, subject, however, to any direction which the Minister may make.

(4) Provides for the fiscal year of a society.

(5) Provides who may vote at a regular or special meeting.

SECTION 10.—(1) This subsection provides for the objects of a society, which are similar to the objects in the present Act.

(2) It is now provided that a society may spend more than fifty per centum of its moneys for public planting and the promotion of outdoor art and public beautification.

(3) This subsection provides that the funds of a society shall not be used for any purpose other than to encourage interest and improvement in horticulture.

Annual meeting.

11.—(1) Every society shall hold an annual meeting during the month of January, or such other month as the Superintendent may approve, at such time and place as the board may determine.

Notice of annual meeting.

(2) At least one week's notice of every annual meeting shall be given by publication of a notice of such meeting in a newspaper having a general circulation in the municipality or by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

Procedure at annual meeting.

12. At every annual meeting,—

(*a*) the board shall present a report of the activities and accomplishments of the society during the preceding year and the financial statement for the preceding year certified by the auditors on the form prescribed by the Minister;

(*b*) the officers and other members of the board shall be elected and appointed in the manner provided by section 5 provided that five directors shall be elected at each annual meeting.

Dissolution deemed in certain instances.

13.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of the Act or in the event of the number of members of a society on the 1st day of July in any year being less than the number required for organization, such society shall not be entitled to receive any further Government grant, and shall be deemed to be dissolved, subject always to any direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall deliver to the Superintendent a statement of the assets and liabilities of the society.

Payment of debts and disposal of surplus moneys.

(2) The Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and liquidate any of the assets for such purpose and may direct such members to dispose of any moneys or other assets then remaining in such manner as he may determine.

Statement to be sent to Minister.

14.—(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer, or secretary and treasurer, and auditors to be true copies shall be forwarded to the Minister within two weeks of the holding of the annual meeting.

SECTION 11.—(1) The annual meeting of a society shall be held in January or such other time as the Superintendent may approve.

(2) Provides for the notice of the annual meeting.

SECTION 12. Provides for the procedure at the annual meeting and also that financial statements shall be certified by the auditors.

SECTION 13.—(1) Provides that, subject to the direction of the Minister, a society, in the event of certain occurrences, shall not be entitled to receive further Government grants and shall be deemed to be dissolved.

(2) Provides for the payment of debts and the disposal of any surplus on the dissolution of a society.

SECTION 14.—(1) This subsection provides for the financial statement being sent to the Minister within two weeks after the holding of the annual meeting.

Minister may require information.

(2) The Minister may at any time require the society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable.

Minister may require affidavit certifying.

(3) The Minister may require any financial or other statement or information required to be furnished to him, to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy.

Meetings of board.

15. A meeting of the board shall be called by the secretary upon the direction of the president or of any three members of the board by sending notice thereof to all the members of the board at least three days prior to the time fixed for such meeting; provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society, without notice.

Powers of board.

16.—(1) Subject to the by-laws and regulations of the Society, the board shall have power to act for and on behalf of the society in all matters.

Quorum.

(2) Five of the members of the board shall constitute a quorum.

Filling vacancies.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy.

Meetings.

17. The board may determine what regular and special meetings of the society shall be held during each year.

By-laws and regulations.

18. By-laws and regulations of a society may be made, adopted, amended or repealed at any annual or regular meeting of the society or at a special meeting of which at least one week's notice has been given in the manner provided for by subsection 2 of section 11.

Grant out of provincial fund.

19. Every society which has complied with all the provisions of this Act and has furnished all statements and other information required by the Minister shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose, providing the membership of the society is not less than that required for organization purposes.

Distribution of Government grant.

20. Such amount as may be appropriated by the Legislature for the purposes of this Act shall be subject to division among the societies according to the following plan,—

(*a*) Every society shall, during the first year of its existence, receive a grant at the rate of fifty cents for

(2) Provides that the Minister may require any officer to furnish such information as he deems necessary.

(3) Provides that the Minister may require statements and information furnished to him to be accompanied by an affidavit.

SECTION 15. Provides for the meetings of the Board.

SECTION 16.—(1) This subsection provides that the Board shall have power to act for and on behalf of the society.

(2) The quorum of the Board shall be five, in place of a majority of the Board as at present.

(3) Provides for the filling of vacancies on the Board.

SECTION 17. This section provides that the Board shall determine what regular and special meetings of the society shall be held.

SECTION 18. This section provides for the adoption, amendment and repeal of the by-laws and regulations of the society.

SECTION 19. This section provides for grants to societies out of the moneys appropriated by the Legislature for such purpose.

SECTION 20. This section provides for the amount which may be received by a society out of the moneys appropriated by the Legislature for that purpose, in any one year.

every paid-up member as of the 1st day of July, provided that no such grant shall exceed $75;

(*b*) The balance of such amount shall be subject to division among the remaining societies as follows:

(i) one-third shall be subject to division among the societies in proportion to the total number of members of each society in the preceding year;

(ii) two-thirds shall be subject to division among the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, in accordance with the provisions of section 10;

provided that no society shall in any year be entitled to a grant in excess of three and one-half per centum of the amount appropriated for the purposes of this Act for such year nor shall any society be entitled to a grant in excess of $500 in any year.

Grants from municipal councils.

21. The council of every city, town, village, county or township may grant money to any society organized wholly or partly within the limits of such municipality.

Inspection of books and accounts.

22. The Minister may appoint a person to inspect the books and accounts of any society and may empower such person to summon witnesses and enforce the production of documents before him and to take evidence upon oath in regard to such inspection, and every officer of a society shall, when requested, submit the books and accounts thereof to such inspection.

Fraud in obtaining prizes.

23. Where the board has reason to believe that any member or other person exhibiting any product at any exhibition at which prizes are offered by the society has committed a fraud in respect of such product, the board may withhold payment or delivery of any prize money or other prize award to such person until such person proves to the satisfaction of the board that no fraud has in fact been committed.

Rev. Stat., c. 82, repealed.

24. *The Horticultural Societies Act*, being chapter 82 of the Revised Statutes of Ontario, 1937, is repealed.

SECTION 21. Provides for grants from municipal councils.

SECTION 22. This section provides for the appointment, by the Minister, of some one to examine the books of a society and is similar to the provisions of section 4 of the present Act.

SECTION 23. This section makes provision for cases where fraud is committed by any person exhibiting any product at an exhibition at which prizes are offered.

BILL

An Act respecting Horticultural Societies.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

Mr. Dewan

No. 73

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Horticultural Societies.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 73 1938

BILL

An Act respecting Horticultural Societies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Horticultural Societies Act, 1938.*

Interpretation.

2. In this Act,—

"Board."

(*a*) "Board" shall mean board of directors elected under the provisions of this Act;

"Department."

(*b*) "Department" shall mean Department of Agriculture;

"Minister."

(*c*) "Minister" shall mean Minister of Agriculture;

"Society."

(*d*) "Society" shall mean horticultural society organized under this Act or under any former *Horitcultural Societies Act* or *Agriculture and Arts Act;*

"Superintendent."

(*e*) "Superintendent" shall mean Superintendent of Horticultural Societies.

Minister to decide matters of dispute.

3. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final.

Society,— organization of.

4.—(1) A society may be organized in any city, town, township or village and in a police village having a population of not less than 200, or in any two of such municipalities which are adjoining.

Additional societies.

(2) In a city having a population of 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.

Organization.

5. The mode of organization shall be as follows:

Agreement.

(*a*) An agreement in the form prescribed by the Minister shall be signed by the persons resident in the muni-

cipality or municipalities in which the society is to be organized, who desire to organize a society.

Signatories to agreement.

(*b*) In the case of a city having a population of 30,000 or over the number of persons signing such agreement shall be at least 125; in the case of a city having a population of less than 30,000, the number shall be at least 100; in the case of a town having a population of 2,000 or over the number shall be at least 60; and in the case of a town having a population of less than 2,000 and a township, village and police village the number shall be at least 25; provided that, for the purposes of this clause, where a society is to be organized in two adjoining municipalities the society shall be deemed to be in the larger of such municipalities.

Fee payable by signatories.

(*c*) Every person who signs the agreement shall pay to the person having charge thereof, the sum of $1 and all such sums shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto.

Calling meeting for organization of society.

(*d*) Within two months after the date of the first signature to the agreement, such agreement shall be transmitted to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of a society.

Organization meeting,— when to be held.

(*e*) Such organization meeting shall be held during the month of January or at such other time as the Superintendent may authorize, upon at least one week's notice published in a newspaper having a general circulation in the municipality.

Quorum.

(*f*) At the organization meeting and at every regular meeting of a society, ten members shall constitute a quorum.

President, vice-president, auditors, directors,— election of.

(*g*) At the organization meeting there shall be elected a president, a first vice-president, a second vice-president and two auditors who shall hold office until the next annual meeting, and ten directors, five of whom shall hold office until the next annual meeting and five of whom shall hold office until the next following annual meeting, provided that where any officer or director so elected has not paid the sum of $1 as provided by clause *c* he shall pay such sum to the treasurer or secretary-treasurer within two weeks of such election.

Board,—composition of.

(*h*) The board shall comprise the president, first vice-president, second vice-president and the ten directors.

Secretary and treasurer of board.

(*i*) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer, shall be a member of every committee which may be appointed by the board.

Bond to be furnished by secretary or treasurer.

(*j*) The board may require the treasurer or secretary-treasurer to furnish such bond as may be deemed necessary to ensure the faithful performance of his duties and the proper administration of all funds belonging to the society coming into his hands and where no such bond is required by the board, every member of the board shall be personally liable for all funds belonging to the society which come into the hands of the treasurer.

Report of organization meeting.

(*k*) A report of the organization meeting, certified by the president, the secretary and the person calling the meeting, containing a statement of the number of members and a list of the officers and directors elected and appointed, together with their addresses, shall be sent to the Superintendent by the secretary within one week after the holding of the meeting.

Declaration of society.

6. Upon the receipt of such report the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act.

Combination of societies.

7. Subject to the approval of the Minister any two or more societies may combine to form one society on such terms and conditions as the Minister may prescribe.

Dissolution of society upon petition.

8. Upon the petition of not less than twenty-five members of a society the Minister may dissolve such society and may constitute two or more societies upon such terms and conditions as he may deem proper.

Persons entitled to membership.

9.—(1) Every person of the full age of sixteen years or over shall be entitled to membership in a society.

Partnership or company may be member of society.

(2) Subject to the by-laws and regulations of a society, a partnership or incorporated company may become a member thereof upon payment of the prescribed fee, but in every such case such partnership or company shall delegate one person to exercise the privileges of membership in the society.

Membership fee.

(3) In every society there shall be an annual membership fee of not less than fifty cents.

(4) The fiscal year of every society shall be the calendar year unless the Minister otherwise authorizes. Fiscal year.

(5) Every member in good standing of a society shall be entitled to vote on all questions coming before a regular or special meeting of the society. Voting of members.

10.—(1) The object of a society shall be to encourage interest and improvement in horticulture,— Objects of society.

(*a*) by holding meetings for instructions and discussion on subjects connected with the theory and practice of horticulture;

(*b*) by encouraging the improvement of home and public grounds by the planting of trees, shrubs and flowers, and by otherwise promoting out-door art and public beautification;

(*c*) by interesting juveniles and others in the study of horticulture by the holding of contests and competitions and by such other means as may be considered proper;

(*d*) by holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs;

(*e*) by the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture; and

(*f*) by promoting the circulation of horticultural periodicals.

(2) A society shall not expend more than one-half of its total annual receipts, other than grants or donations made for specific purposes, upon any one of the projects enumerated in subsection 1, except for the purposes of planting trees, shrubs and plants on public grounds and the promotion of out-door art and public beautification. Expenditure of annual receipts.

(3) None of the funds of a society shall be expended for any purpose not indicated in subsection 1, and a society which violates any of the provisions of this section shall not be entitled to the Government grant for the year during which such violation occurs, or where the grant for such year has already been paid, for the next following year, subject, however, to any direction which the Minister may make. Funds not to be expended for purposes other than improvement in horticulture.

Annual meeting.

11.—(1) Every society shall hold an annual meeting during the month of January, or such other month as the Superintendent may approve, at such time and place as the board may determine.

Notice of annual meeting.

(2) At least one week's notice of every annual meeting shall be given by publication of a notice of such meeting in a newspaper having a general circulation in the municipality or by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

Procedure at annual meeting.

12. At every annual meeting,—

(*a*) the board shall present a report of the activities and accomplishments of the society during the preceding year and the financial statement for the preceding year certified by the auditors on the form prescribed by the Minister;

(*b*) the officers and other members of the board shall be elected and appointed in the manner provided by section 5 provided that five directors shall be elected at each annual meeting.

Dissolution deemed in certain instances.

13.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of the Act or in the event of the number of members of a society on the 1st day of July in any year being less than the number required for organization, such society shall not be entitled to receive any further Government grant, and shall be deemed to be dissolved, subject always to any direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall deliver to the Superintendent a statement of the assets and liabilities of the society.

Payment of debts and disposal of surplus moneys.

(2) The Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and liquidate any of the assets for such purpose and may direct such members to dispose of any moneys or other assets then remaining in such manner as he may determine.

Statement to be sent to Minister.

14.—(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer, or secretary and treasurer, and auditors to be true copies shall be forwarded to the Minister within two weeks of the holding of the annual meeting.

(2) The Minister may at any time require the society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable. Minister may require information.

(3) The Minister may require any financial or other statement or information required to be furnished to him, to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy. Minister may require affidavit certifying.

15. A meeting of the board shall be called by the secretary upon the direction of the president or of any three members of the board by sending notice thereof to all the members of the board at least three days prior to the time fixed for such meeting; provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society, without notice. Meetings of board.

16.—(1) Subject to the by-laws and regulations of the Society, the board shall have power to act for and on behalf of the society in all matters. Powers of board.

(2) Five of the members of the board shall constitute a quorum. Quorum.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy. Filling vacancies.

17. The board may determine what regular and special meetings of the society shall be held during each year. Meetings.

18. By-laws and regulations of a society may be made, adopted, amended or repealed at any annual or regular meeting of the society or at a special meeting of which at least one week's notice has been given in the manner provided for by subsection 2 of section 11. By-laws and regulations.

19. Every society which has complied with all the provisions of this Act and has furnished all statements and other information required by the Minister shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose, providing the membership of the society is not less than that required for organization purposes. Grant out of provincial fund.

20. Such amount as may be appropriated by the Legislature for the purposes of this Act shall be subject to division among the societies according to the following plan,— Distribution of Government grant.

(*a*) Every society shall, during the first year of its existence, receive a grant at the rate of fifty cents for

every paid-up member as of the 1st day of July, provided that no such grant shall exceed $75;

(*b*) The balance of such amount shall be subject to division among the remaining societies as follows:

(i) one-third shall be subject to division among the societies in proportion to the total number of members of each society in the preceding year;

(ii) two-thirds shall be subject to division among the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, in accordance with the provisions of section 10;

provided that no society shall in any year be entitled to a grant in excess of three and one-half per centum of the amount appropriated for the purposes of this Act for such year nor shall any society be entitled to a grant in excess of $500 in any year.

Grants from municipal councils.

21. The council of every city, town, village, county or township may grant money to any society organized wholly or partly within the limits of such municipality.

Inspection of books and accounts.

22. The Minister may appoint a person to inspect the books and accounts of any society and may empower such person to summon witnesses and enforce the production of documents before him and to take evidence upon oath in regard to such inspection, and every officer of a society shall, when requested, submit the books and accounts thereof to such inspection.

Fraud in obtaining prizes.

23. Where the board has reason to believe that any member or other person exhibiting any product at any exhibition at which prizes are offered by the society has committed a fraud in respect of such product, the board may withhold payment or delivery of any prize money or other prize award to such person until such person proves to the satisfaction of the board that no fraud has in fact been committed.

Rev. Stat., c. 82, repealed.

24. *The Horticultural Societies Act*, being chapter 82 of the Revised Statutes of Ontario, 1937, is repealed.

BILL

An Act respecting Horticultural Societies.

1st Reading

March 15th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 24th, 1938

MR. DEWAN

1938

No. 74

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Marriage Act.

MR. CROLL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 74 1938

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Marriage Amendment Act, 1938*.

Rev. Stat., c. 207, amended.

2. *The Marriage Act* is amended by adding thereto the following section:

Medical certificate.

22*a*.—(1) No person authorized to issue marriage licenses, or certificates in lieu of marriage licenses, shall issue any such license or certificate until the persons intending to intermarry and applying for a license or certificate have delivered to him certificates of a duly qualified medical practitioner (Form 6) that neither of such persons is suffering from any venereal disease within the meaning of *The Venereal Diseases Prevention Act*, bearing a date not more than fifteen days prior to such application and signed by a duly qualified medical practitioner.

Rev. Stat., c. 301.

Where banns published.

(2) No minister, clergyman or other person shall solemnize any marriage where the intention of the persons to intermarry has been published as provided by subsection 2 of section 4, unless such persons have delivered to him certificates of a duly qualified medical practitioner (Form 6) that neither of such persons is suffering from venereal disease within the meaning of *The Venereal Diseases Prevention Act*, bearing a date not more than fifteen days prior to the date of such marriage and signed by a duly qualified medical practitioner.

Examination by M.O.H.

(3) Where any person applies to the medical officer of health of the municipality in which he is resident to be examined for the purposes of this section, the medical officer of health shall, without charge, examine such person and if he is of opinion that such person is not suffering from a venereal disease within the meaning of *The Venereal Diseases Prevention Act*,

Explanatory Notes

The purpose of the Bill is to provide that no person suffering from venereal disease may be married.

Section 2. Subsection 1 of the proposed section 22*a* prohibits the issuing of a marriage license until the persons intending to intermarry have produced medical certificates to prove that neither is suffering from venereal disease.

Subsection 2 of the proposed section prohibits the solemnization of a marriage where banns have been published in lieu of the issue of a license or certificate, until medical certificates have been produced stating that neither of the persons intending to intermarry are suffering from venereal disease.

Subsection 3 provides that the examination and certificates required by this section shall be furnished without charge by a medical officer of health to residents of the municipality for which he is medical officer of health.

he shall furnish him with the certificate required by this section.

Laboratory test.

(4) Where in the opinion of any duly qualified medical practitioner a laboratory test is required in order to determine whether any such person is suffering from venereal disease, such test shall be made by a laboratory of or approved by the Department of Health and where any such test is made by a laboratory of the Department of Health no fee shall be charged for such test.

Duty of medical practitioner.

(5) No duly qualified medical practitioner shall issue any certificate required by subsection 1 or subsection 2 until he has satisfied himself as to the identity of the person applying for such certificate nor until he has made a thorough examination of such person in order to determine whether or not such person is suffering from venereal disease.

Penalty.

(6) Any person who violates any of the provisions of this section shall on summary conviction be liable to a penalty of not less than $20 and not more than $200.

Application of section.

(7) This section shall not apply to persons ordinarily resident in any part of Ontario without municipal organization.

Rev. Stat., c. 207, s. 25, amended.

3. Section 25 of *The Marriage Act* is amended by inserting after the figure "22" in the seventh line the words and figures "the certificates required by section 22*a*," so that the said section shall now read as follows:

Particulars to be sent to Registrar-General.

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate, fill up on a form such of the particulars contained in Form 4 as he is able to give, and shall forward the same, together with the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, the certificates required by section 22*a* and any further evidence obtained under the provisions of section 24, forthwith to the Registrar-General.

Rev. Stat., c. 207, s. 34, subs. 1, amended.

4.—(1) Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the word and figure "Form 4" in the fourth line the words and figures "or in any certificate required by section 22*a*," so that the said subsection shall now read as follows:

Subsection 4 provides for a laboratory test where necessary.

Subsection 5 requires a medical practitioner to satisfy himself as to the identity of any person applying for a medical certificate and to conduct a thorough examination.

Subsection 6 provides penalties for violations of the proposed section 22*a*.

Subsection 7 provides that the proposed section 22*a* shall not apply to persons resident in any unorganized portion of Ontario.

SECTION 3. This amendment is complementary to the amendment effected by section 2 of the Bill.

SECTION 4.—(1) The amendment extends the provisions of the section providing penalties for false statements of fact in affidavits to include false statements of fact in medical certificates.

Penalty for making false statement.

(1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or in any certificate required by section 22*a*, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than $20 and not more than $200.

Rev. Stat., c. 207, s. 34, amended.

(2) The said section 34 is further amended by adding thereto the following subsection:

Personation,— penalty.

(1*a*) Any person who impersonates any other person for the purposes of obtaining a certificate required by section 22*a* shall on summary conviction be liable to a penalty of not less than $20 and not more than $200.

Rev. Stat., c. 207 amended.

5. *The Marriage Act* is amended by adding thereto the following form:

FORM 6

(*Section 22a*)

CERTIFICATE OF MEDICAL PRACTITIONER

I, ... of the ..... of.....
in the county (*or* district) of ....., being a duly qualified medical practitioner, hereby certify that I did on the undermentioned date, examine (*or* complete an examination of).....(*Name*).....
of .....(*Residence*)....., and that as a result of such examination I am of opinion that on the date of this certificate the said .....
is not suffering from any venereal disease within the meaning of *The Venereal Diseases Prevention Act*.

Dated at.....,
this.....day of.....,
19.....

.....
(*Signature of Medical Practitioner*)

(2) A penalty is provided for any person who impersonates another in order to obtain a medical certificate required under the new section 22*a*.

SECTION 5. Prescribes the form of the medical certificate.

No. 74

BILL

An Act to amend The Marriage Act.

1st Reading

March 15th, 1938

2nd Reading

3rd Reading

MR. CROLL

1938

No. 75

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 75 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 408, par. 6, re-enacted.

1. Paragraph 6 of section 408 of *The Municipal Act* is repealed and the following substituted therefor:

Measuring, etc., certain articles.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.

(*a*) A by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

(*b*) A by-law passed under this paragraph may define, grade and classify coal, coke and other fuel, may require any person selling coal, coke or other fuel to consumers thereof to carry on business continuously and be the owner or occupant of a yard having a fixed area used exclusively for the purposes of such business, may specify the minimum quantity of fuel to be kept available for delivery in such yard, and may specify the facilities and equipment required for carrying on such business.

2. Section 422 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Rev. Stat., c. 266, s. 422, amended.

Junk yards.

5. For prohibiting the use of lands or premises for the purposes of junk yards, junk shops, or second-hand shops without first obtaining permission from the council; for fixing the time during which such permission shall be in force and for cancelling any such permission; for prescribing the physical requirements for such yards and shops and the manner in which

EXPLANATORY NOTES.

SECTION 1. Re-arranges paragraph 6, corrects a typographical error and adds clause (*b*) which gives consumers of coal and other fuels a greater degree of protection from dealers.

SECTION 2. These amendments are considered desirable so that the objectionable features of junk yards, etc., can be minimized, and so that adequate protection may be afforded children in private schools.

same shall be operated and maintained; and for authorizing an officer of the corporation to enter such yards and shops at all times for inspection purposes.

(*a*) The granting, refusing or cancelling of any such permission shall be in the discretion of the council and it shall not be bound to give any reason for refusing or cancelling any such permission.

Private schools.

6. For licensing, regulating and governing private day and boarding schools and other similar buildings in which children are housed.

Rev. Stat., c. 266, s. 442, par. 1, cls. *a*, *b*, re-enacted.

3. Clauses *a* and *b* of paragraph 1 of section 442 of *The Municipal Act* are repealed and the following substituted therefor:

(*a*) The license fee may vary in amount for different classes or kinds of such dealers.

(*b*) Any such by-law shall extend to include persons who by themselves or their employees, agents, canvassers or solicitors, offer for sale, take orders for or deliver coal or coke within the municipality, so that such persons shall be subject to such by-law.

SECTION 3: The maximum license fee is now $5, which is not commensurate with the inspection services provided. Such fee should vary for the several classes of dealers, i.e., wholesale, retail, dock, etc.

The purview of the by-law is extended to include persons who offer for sale coal or coke.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1938

2nd Reading

3rd Reading

Mr. Strachan

No. 76

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Construction of Bridges.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 76 1938

BILL

An Act respecting the Construction of Bridges.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Bridges Act, 1938.*

Application of Act.

2. This Act shall apply to,—

(*a*) every river or stream or part thereof of which the bed is vested in His Majesty in right of Ontario; and

(*b*) every place upon a river or stream where His Majesty in right of Ontario, or any board or commission constituted under any Act of this Legislature, is a riparian owner.

Approval of Lieutenant-Governor in Council.

3.—(1) No bridge or other structure shall be built, placed or constructed over or across any river or stream or part thereof, nor shall any bridge or other structure over or across any river or stream or part thereof be rebuilt, replaced or altered where the cost of such building, placing, constructing, rebuilding, replacing or altering will exceed $2,000, except with the approval of the Lieutenant-Governor in Council.

Conditions of approval.

(2) In such cases as he may deem proper the Lieutenant-Governor in Council may approve of the building, placing, constructing, rebuilding, replacing or altering of any such bridge or other structure upon receiving,—

(*a*) a petition praying for such approval;

(*b*) proof that the plan of the proposed bridge or alterations and a surveyor's description of the site or proposed site has been deposited with the Minister of Highways and in the proper registry office or land titles office; and

(*c*) proof that notice of such application has been published for three successive weeks in the *Ontario Gazette* and in two newspapers having a general

Explanatory Notes

General. The Bill provides that bridges and other structures shall not be erected over or across certain rivers and streams, except with the approval of the Lieutenant-Governor in Council.

Section 2 prescribes the rivers, streams and parts of rivers and streams to which the Act shall apply.

Section 3 prohibits the building, placing or constructing and the rebuilding, replacing or altering of bridges or other structures where the cost of such building, placing, constructing, rebuilding, replacing or altering will exceed $2,000, except with the approval of the Lieutenant-Governor in Council, and also provides for the manner in which the approval may be obtained.

circulation in the locality where the site or proposed site of the bridge is located.

Who may build bridge.

4.—(1) No person shall build, place, construct, operate or maintain any bridge the cost of which is in excess of $2,000, unless such person is a,—

(*a*) person domiciled and ordinarily resident within Ontario;

(*b*) company incorporated under the laws of the Dominion of Canada;

(*c*) company incorporated under the laws of Ontario; or

Rev. Stat., c. 252.

(*d*) company licensed under the provisions of *The Extra-provincial Corporations Act.*

Where bridge operated, etc., contrary to subs. 1.

(2) Where a bridge is built, placed, constructed, operated or maintained contrary to the provisions of subsection 1, such bridge or so much thereof as is within Ontario shall, subject to any direction of the Lieutenant-Governor in Council, be deemed to be the property of His Majesty in right of Ontario.

Regulations.

5. The Lieutenant-Governor in Council may make regulations regarding the building, placing, constructing, rebuilding, replacing, alteration, operation, maintenance and control of bridges and other structures over or across any river, stream or part thereof.

Commencement of Act.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

SECTION 4 prescribes the classes of persons who may build, place, construct, operate or maintain any bridge the cost of which is in excess of $2,000.

SECTION 5 permits the Lieutenant-Governor in Council to make regulations regarding the building, placing, constructing, rebuilding, replacing, alteration, operation, maintenance and control of bridges and other structures over or across rivers, streams or parts thereof.

SECTION 6 provides that the Act shall come into force upon Proclamation.

BILL

An Act respecting the Construction of Bridges.

1st Reading

March 18th, 1938

2nd Reading

3rd Reading

Mr. McQuesten

1938

No. 76

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting the Construction of Bridges.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 76 1938

BILL

An Act respecting the Construction of Bridges.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Bridges Act, 1938.*

Application of Act.

2. This Act shall apply to,—

(*a*) every river or stream or part thereof of which the bed is vested in His Majesty in right of Ontario; and

(*b*) every place upon a river or stream where His Majesty in right of Ontario, or any board or commission constituted under any Act of this Legislature, is a riparian owner.

Approval of Lieutenant-Governor in Council.

3.—(1) No bridge or other structure shall be built, placed or constructed over or across any river or stream or part thereof, nor shall any bridge or other structure over or across any river or stream or part thereof be rebuilt, replaced or altered where the cost of such building, placing, constructing, rebuilding, replacing or altering will exceed $2,000, except with the approval of the Lieutenant-Governor in Council.

Conditions of approval.

(2) In such cases as he may deem proper the Lieutenant-Governor in Council may approve of the building, placing, constructing, rebuilding, replacing or altering of any such bridge or other structure upon receiving,—

(*a*) a petition praying for such approval;

(*b*) proof that the plan of the proposed bridge or alterations and a surveyor's description of the site or proposed site have been deposited with the Minister of Highways and in the proper registry office or land titles office; and

(*c*) proof that notice of such application has been published for three successive weeks in the *Ontario Gazette* and in two newspapers having a general

circulation in the locality where the site or proposed site of the bridge is located.

Who may build bridge.

4.—(1) No person shall build, place, construct, operate or maintain any bridge the cost of which is in excess of $2,000, unless such person is a,—

(*a*) person domiciled and ordinarily resident within Ontario;

(*b*) corporation incorporated under the laws of the Dominion of Canada;

(*c*) corporation incorporated under the laws of Ontario; or

(*d*) corporation licensed under the provisions of *The Extra-provincial Corporations Act*. Rev. Stat., c. 252.

Where bridge operated, etc., contrary to subs. 1.

(2) Where a bridge is built, placed, constructed, operated or maintained contrary to the provisions of subsection 1, such bridge or so much thereof as is within Ontario shall, subject to any direction of the Lieutenant-Governor in Council, be deemed to be the property of His Majesty in right of Ontario.

Regulations.

5. The Lieutenant-Governor in Council may make regulations regarding the building, placing, constructing, rebuilding, replacing, alteration, operation, maintenance and control of bridges and other structures over or across any river, stream or part thereof including the exemption of any commission constituted under any Act of this Legislature or any railway company from any of the provisions of this Act.

Commencement of Act.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

(NOTE.—*The 11th day of April, 1938, was named by Proclamation as the day upon which this Act shall come into force and have effect*).

BILL

An Act respecting the Construction of Bridges.

1st Reading

March 18th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 7th, 1938

MR. MCQUESTEN

1938

No. 77

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Farm Products Control Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 77 1938

BILL

An Act to amend The Farm Products Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Farm Products Control Amendment Act, 1938.*

Rev. Stat., c. 75, s. 1, cl. *b*, amended.

2.—(1) Clause *b* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "products" where it occurs the first time in the second line the words "grains, seeds," so that the said clause shall now read as follows:

"Farm products."

(*b*) "Farm products" shall include animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate.

Rev. Stat., c. 75, s. 1, amended.

(2) The said section 1 is further amended by adding thereto the following clauses:

"Local board."

(*bb*) "Local board" shall mean a board authorized to administer any scheme declared by Order-in-Council to be in force in Ontario or any part thereof;

"Regulated product."

(*dd*) "Regulated product" shall mean a farm product in respect of which a scheme is in force;

"Scheme."

(*f*) "Scheme" shall mean any scheme or plan for the marketing or regulating of any farm product which is in force in Ontario or any part thereof under the provisions of this Act.

Rev. Stat., c. 75, s. 2, subs. 2, re-enacted.

3. Subsection 2 of section 2 of *The Farm Products Control Act* is repealed and the following substituted therefor:

EXPLANATORY NOTES

SECTION 2.—(1) "Grains" and "seeds" are included in the definition of "farm products."

(2) "Local board," "regulated product" and "scheme" as used in the Act are defined.

SECTION 3. This section provides that the Farm Products Control Board shall consist of three persons appointed by the Lieutenant-Governor in Council.

Constitution of Board.

(2) The Board shall consist of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council.

Rev. Stat., c. 75, s. 3, subs. 1, amended.

4.—(1) Subsection 1 of section 3 of *The Farm Products Control Act* is amended by adding thereto the following clauses:

(*e*) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product;

(*f*) exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;

(*g*) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, and require such persons to furnish such information in regard to the regulated product as the Board may determine, and inspect the books and premises of such person;

(*h*) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product.

Rev. Stat., c. 75, s. 3, subs. 3, re-enacted.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Delegation of powers.

(3) The Board may delegate to a local board such of its powers as may be necessary for the proper enforcement of any scheme under which a local board is constituted, and may, at any time, terminate such delegation of power.

Furnishing information.

(4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted.

Rev. Stat., c. 75, s. 6, subs. 2, amended.

5.—(1) Subsection 2 of section 6 of *The Farm Products Control Act* is amended by striking out the word "proclamation" in the fourth line and inserting in lieu thereof the words "Order-in-Council," so that the said subsection shall now read as follows:

Declaring scheme or plan in force.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may approve any such scheme or plan or any part thereof with such varia-

SECTION 4.—(1) The powers of the Farm Products Control Board are extended.

(2) The power of the Farm Products Control Board to delegate its powers to a local board charged with the administration of any scheme, is clarified. The Board is also empowered to require local boards to furnish information regarding a regulated product.

SECTION 5. Schemes will be declared to be in force by order-in-council instead of by proclamation.

tions or alterations as may be deemed necessary, and may by Order-in-Council declare such scheme or plan to be in force in Ontario or in any part thereof.

Alteration, etc., of scheme.

(2) The Lieutenant-Governor in Council may by Order-in-Council alter, vary or terminate any scheme which has been declared to be in force by Proclamation.

Rev. Stat., c. 74, repealed.

6. *The Marketing Act*, being chapter 74 of the Revised Statutes of Ontario, 1937, is repealed.

SECTION 6. Since the passing of *The Farm Products Control Act* and *The Farm Products Grades and Sales Act*, *The Marketing Act* has not been used and is accordingly repealed.

No. 77

BILL

An Act to amend The Farm Products Control Act.

1st Reading

March 18th, 1938

2nd Reading

3rd Reading

MR. DEWAN

1938

No. 77

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Farm Products Control Act.

Mr. Dewan

TORONTO
Printed by T. E. Bowman
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No. 77 1938

BILL

An Act to amend The Farm Products Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Farm Products Control Amendment Act, 1938*.

Rev. Stat., c. 75, s. 1, cl. *b*, amended.

2.—(1) Clause *b* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "products" where it occurs the first time in the second line the words "grains, seeds," so that the said clause shall now read as follows:

"Farm products."

(*b*) "Farm products" shall include animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate.

Rev. Stat., c. 75, s. 1, amended.

(2) The said section 1 is further amended by adding thereto the following clauses:

"Local board."

(*bb*) "Local board" shall mean a board authorized to administer any scheme declared by Order-in-Council to be in force in Ontario or any part thereof;

"Regulated product."

(*dd*) "Regulated product" shall mean a farm product in respect of which a scheme is in force;

"Scheme."

(*f*) "Scheme" shall mean any scheme or plan for the marketing or regulating of any farm product which is in force in Ontario or any part thereof under the provisions of this Act.

Rev. Stat., c. 75, s. 2, subs. 2, re-enacted.

3. Subsection 2 of section 2 of *The Farm Products Control Act* is repealed and the following substituted therefor:

(2) The Board shall consist of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. Constitution of Board.

4.—(1) Subsection 1 of section 3 of *The Farm Products Control Act* is amended by adding thereto the following clauses: Rev. Stat., c. 75, s. 3, subs. 1, amended.

(*e*) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product;

(*f*) exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;

(*g*) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, and require such persons to furnish such information in regard to the regulated product as the Board may determine, and inspect the books and premises of such person;

(*h*) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: Rev. Stat. c. 75, s. 3, subs. 3, re-enacted.

(3) The Board may delegate to a local board such of its powers as may be necessary for the proper enforcement of any scheme under which a local board is constituted, and may, at any time, terminate such delegation of power. Delegation of powers.

(4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted. Furnishing information.

5.—(1) Subsection 2 of section 6 of *The Farm Products Control Act* is amended by striking out the word "proclamation" in the fourth line and inserting in lieu thereof the words "Order-in-Council," so that the said subsection shall now read as follows: Rev. Stat., c. 75, s. 6, subs. 2, amended.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may approve any such scheme or plan or any part thereof with such varia- Declaring scheme or plan in force.

tions or alterations as may be deemed necessary, and may by Order-in-Council declare such scheme or plan to be in force in Ontario or in any part thereof.

Alteration, etc., of scheme.

(2) The Lieutenant-Governor in Council may by Order-in-Council alter, vary or terminate any scheme which has been declared to be in force by Proclamation.

Rev. Stat., c. 74, repealed.

6. *The Marketing Act*, being chapter 74 of the Revised Statutes of Ontario, 1937, is repealed.

No. 77

BILL

An Act to amend The Farm Products Control Act.

1st Reading

March 18th, 1938

2nd Reading

March 21st, 1938

3rd Reading

March 24th, 1938

MR. DEWAN

1938

No. 78

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

MR. CAMPBELL
(Sault Ste. Marie)

TORONTO
PRINTED BY T E BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Grand River Conservation Act, 1938.*

Interpretation.

2. In this Act,—

"Board of engineers."

(*a*) "Board of engineers" shall mean a board of engineers appointed by the Commission;

"Chief engineer."

(*b*) "Chief engineer" shall mean the chief engineer of the Commission;

"Commission."

(*c*) "Commission" shall mean Grand River Conservation Commission established under this Act;

"Executive committee."

(*d*) "Executive committee" shall mean executive committee appointed by the Commission;

"Grand River Valley."

(*e*) "Grand River Valley" shall mean that part of Ontario within the watershed of the Grand River and its tributaries;

"Land."

(*f*) "Land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land;

"Owner."

(*g*) "Owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;

"Participating municipalities."

(*h*) "Participating municipalities" shall mean the municipalities of the Cities of Brantford, Galt and Kitchener, the Towns of Paris, Preston and Waterloo and

Explanatory Notes

The Bill provides for the establishment of a commission with power to undertake a scheme for the purpose,—

(*a*) of conserving the waters of the Grand River Valley to afford sufficient supply of water for the municipal, domestic and manufacturing purposes of urban municipalities situate in the valley which at present encounter difficulties in the matter of sewage disposal and water supply at certain periods of the year because of an insufficient flow of water; and

(*b*) of controlling the waters of the Grand River Valley in times of flood

Section 2. Words used in the Act are defined.

the Villages of Elora and Fergus and any other municipalities which may benefit by a scheme and which may be declared participating municipalities by the Lieutenant-Governor in Council upon the recommendation of the Commission;

"Referee." Rev. Stat., c. 278.

(*i*) "Referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the Grand River Valley is situate;

"Scheme."

(*j*) "Scheme" shall mean scheme undertaken by the Commission for the purpose of conserving the waters of the Grand River Valley to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and of controlling such waters in times of flood.

Commission,—establishment of.

3.—(1) There shall be a commission known as the "Grand River Conservation Commission" which shall be a body corporate.

Appointment of commissioners.

(2) The members of the Commission may be appointed by the councils of the participating municipalities as follows: the City of Brantford, three commissioners; the Cities of Galt and Kitchener, two commissioners each; the Towns of Paris, Preston and Waterloo and the Villages of Elora and Fergus, one commissioner each; any municipalities declared to be participating municipalities by the Lieutenant-Governor in Council, one commissioner each, and each commissioner shall hold office during the pleasure of the council appointing him.

Where municipality does not benefit.

(3) In the event that the Commission determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the Commission, such municipality shall not be entitled to representation on the Commission and shall cease to be a participating municipality.

First meeting.

(4) The first meeting of the Commission shall be held at a place and time to be named by the Minister of Public Works for Ontario.

Votes.

4.—(1) Each member of the Commission shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote.

Quorum.

(2) Seven members of the Commission shall constitute a quorum.

SECTION 3. Provides for the establishment of the Grand River Conservation Commission as a body corporate, the members of the Commission to be appointed by the municipal councils in accordance with subsection 2.

SECTION 4. The voting power of the members of the Commission, the number of members which constitute a quorum and the vote required upon any matter are set out in this section.

Majority vote.

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting.

Chairman, vice-chairman.

5.—(1) At the first meeting of the Commission and thereafter at the first meeting held in each calendar year, the Commission shall elect a chairman and a vice-chairman from among themselves.

Death of chairman and vice-chairman.

(2) Upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a commissioner, the commissioners may elect a chairman or vice-chairman to fill such vacancy.

Absence of chairman and vice-chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief engineer, secretary-treasurer,— appointment of.

6.—(1) The Commission may appoint a chief engineer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the Commission and shall receive such salary or other remuneration as the Commission may determine, payable out of the funds of the Commission.

Boards of engineers,— appointment of.

(2) The Commission may appoint one or more boards of engineers and each such board shall consist of the chief engineer and two other qualified engineers.

Executive committee.

7.—(1) The Commission may elect or appoint an executive committee from among themselves.

Chief engineer to be member.

(2) The chief engineer shall be *ex officio* a member of the executive committee.

Powers of Commission.

8. The Commission shall have authority,—

(*a*) to study and investigate, itself or by its engineers or other employees or representatives, the Grand River Valley and to determine a scheme whereby the waters of the said Grand River Valley may be conserved to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and controlled in times of flood, and to undertake such scheme;

(*b*) to erect works and create reservoirs by the construction of dams or otherwise;

SECTION 5. Provision is made for the election of a chairman and vice-chairman of the Commission.

SECTION 6.—(1) Provision is made for the appointment of a chief engineer, secretary-treasurer and other employees and their salaries or other remuneration.

(2) provides for the appointment of boards of engineers.

SECTION 7 provides for the election or appointment by the Commission of an executive committee.

SECTION 8 sets out the powers of the Commission.

(*c*) to acquire land and other property, real and personal for such purposes as the Commission may deem necessary for the carrying out of any scheme and sell or otherwise deal with such land or other property;

(*d*) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;

(*e*) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them; and

(*f*) generally to do all such acts as are necessary for the due carrying out of any scheme.

Notice of apportionment.

9.—(1) When the Commission has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail.

Review of apportionment by Municipal Board.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the Commission, apply to the Ontario Municipal Board to have such apportionment reviewed.

Hearing.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of Board on hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of apportionment.

(5) In the event of the Commission varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,—

(*a*) providing for the calling of meetings of the Commission and prescribing the procedure at such meetings;

(*b*) prescribing the powers and duties of the chief engineer and secretary-treasurer;

SECTION 9. Provision is made for the determination by the Commission of the proportion of benefit afforded to each of the participating municipalities. Any dissatisfied municipality may appeal to the Ontario Municipal Board.

SECTION 10 provides that, subject to the approval of the Lieutenant-Governor in Council, the Commission may make certain regulations.

(*c*) delegating all or any of its powers to the executive committee except the following:

(i) the termination of the services of the chief engineer and secretary-treasurer;

(ii) the power to raise money; and

(iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the Commission.

Power to enter on lands, etc.

11.—(1) The commission may itself or by its chief engineer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the Commission, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works for Ontario, may, for the purposes of any scheme,—

(*a*) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the Commission; and

(*b*) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

Cost of work.

(2) The cost of any work undertaken by the Commission under this section shall be borne by the Commission and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 18.

Power to purchase and acquire.

12. The Commission may purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require for the carrying out of any scheme.

Expropriation of land.

13. If the chairman of the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and

SECTION 11. Power is given to enter, survey, take levels, make borings and sink trial pits upon any land for the purposes of any scheme under consideration or undertaken by the Commission. Provision is also made for compensation for any damages occasioned.

SECTION 12. Power is given to the Commission to purchase or acquire and without the consent of the owner, enter upon, take and expropriate any land which the Commission may require for the carrying out of any scheme.

SECTION 13. Power is given to expropriate the whole of any lot or parcel of land where only part of such lot or parcel is required.

may afterwards sell and convey any part thereof as it deems expedient.

Plan to be deposited in registry office.

14.—(1) Where the Commission desires to expropriate land, it shall cause a plan and description of such land, signed by the chairman or vice-chairman and by the chief engineer, to be deposited in the proper registry office and such land shall thereupon be vested in the Commission.

Where land required for limited time.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the Commission.

Correcting plan or description.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

Deposit of plan.

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief engineer, is so deposited, they shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the Commission.

Notice where land expropriated.

15.—(1) Where land is expropriated, the Commission shall within one month of the deposit of the plan and description in the registry office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

Notice, what to state.

(2) Such notice shall state,—

(*a*) that such land has been expropriated by the Commission;

(*b*) the purpose for which the land is to be used;

(*c*) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the Commission not later than one month after the mailing or third publication of the notice, whichever is the later date.

SECTION 14. The procedure to be followed upon expropriation proceedings is set out.

SECTION 15 provides for the giving of notice to the owner of land expropriated and provides for an appeal to the Ontario Municipal Board where the owner is not satisfied with the compensation fixed by the board of engineers.

Determination of amount of compensation.

(3) Upon the expiration of the time indicated in the notice a board of engineers shall consider and determine the amount of compensation payable.

Filing of statement.

(4) The board of engineers shall in every case where it is called upon to determine the amount of compensation payable, file with the Commission a statement of the amount of compensation it finds to be payable, together with written reasons for such finding.

Notice to person claiming.

(5) Within one month of the filing of such statement and reasons the Commission shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the board of engineers.

Notice of appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the board of engineers, may within one month of the mailing of such notice, notify the Commission in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of notice of dissatisfaction to be sent to Municipal Board.

(7) Upon receipt of a notice of dissatisfaction, the Commission shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the board of engineers and a copy of the plan and description certified by the chief engineer.

Hearing of appeal.

(8) The secretary of the Ontario Municipal Board shall advise the Commission of the time and place when such appeal will be heard and the Commission shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Power of Municipal Board.

(9) The Ontario Municipal Board shall have authority to review the finding of the board of engineers and to increase, decrease, otherwise vary or confirm such finding, or may refer the matter back to the board of engineers for further consideration and the decision of the Board shall be final and conclusive and shall not be open to any appeal.

Character of compensation.

16. The compensation agreed upon or determined by the board of engineers or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired.

SECTION 16 provides that where land is acquired by the Commission any claim against the land shall be converted into a claim against the compensation for the land.

Right of Commission to abandon land taken.

17.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the Commission may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,—

(*a*) the land declared to be abandoned shall revest in the person from whom it was expropriated or in those entitled to claim under him; or

(*b*) in the event of a limited estate or interest therein being retained by the Commission, the land shall so revest subject to the estate or interest so retained.

Effect upon compensation.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages where abandonment complete.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis* as is provided by section 15, provided that if the amount of compensation for the expropriation of such land is being determined by the board of engineers or the Ontario Municipal Board at the time of such abandonment, such board shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment.

Damage to other lands.

Rev. Stat., cc. 278, 350.

18.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act* or *The Ditches and Watercourses Act* or otherwise, the owner of such land may apply, in writing, to the Commission for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Report of board of engineers.

(2) Upon receipt of an application for compensation under subsection 1, the Commission shall direct a board of engineers to investigate such claim and upon the completion of such

SECTION 17. The Commission is given power to abandon land expropriated or any estate in such land which it finds is not required, at any time before compensation is paid, and provision is made for the payment of compensation for damages incurred in consequence of the taking and abandoning.

SECTION 18. Provision is made for the payment of compensation to persons whose land, although not required by the Commission for any scheme, is injuriously affected.

investigation the board of engineers shall report to the Commission whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the Commission shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of compensation.

(3) In determining what amount of money is fair compensation for damage occasioned, the board of engineers, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the Commission with a notice of appeal in accordance with subsection 5, the board may pay to the applicant the amount deemed by the board of engineers to be reasonable compensation and thereafter no further claim shall be made against the Commission in respect of such land.

Appeal to referee.

(5) Any applicant who is dissatisfied with the report of the board of engineers may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the Commission by prepaid registered mail.

Arrangements for appeal.

(6) Upon receipt of such notice of appeal the Commission shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Hearing of appeal.

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final.

Rev. Stat., c. 278.

Rev. Stat., c. 278 to apply.

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof.

Future drainage works.

19.—(1) Any drainage works undertaken in the Grand River Valley after the coming force of this Act shall be undertaken subject to any scheme of the Commission.

Scheme defined.

(2) For the purposes of this section a scheme of the Commission shall include all dams, reservoirs and works which are indicated in any plan or described in any description filed by the Commission with the referee.

Inspection of plans.

(3) A true copy of all plans and descriptions filed with the referee under subsection 2 shall be kept in the office of the Commission and may be inspected by any person interested in any drainage work or proposed drainage work in the Grand River Valley.

Contracts by tenants in tail, executors and others.

20.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act.

Representation of persons under disability.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability.

Payment of compensation up to $100.

21. If the compensation agreed upon, or found payable, does not exceed $100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of compensation into court.

22.—(1) In the cases provided for in section 20 the commission shall, and, in all other cases if for any reason the Commission deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

SECTION 19. Any drainage work undertaken in the Grand River Valley after the coming into force of this Act shall be so undertaken subject to any scheme of the Commission.

SECTION 20 permits certain classes of persons to enter into contracts on behalf of certain other classes of persons and is similar to a provision contained in *The Public Works Act*.

SECTION 21 and 22 are also similar to sections of *The Public Works Act* and make provision for the payment of compensation under certain circumstances.

Proceedings after payment into court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the Commission under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until until after six months have expired the judge may order the Commission to pay interest for such further period as may be deemed just.

Representation of parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

Power to require particulars.

23. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the Commission, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which the same is subject and of the claim made by such person in respect of such estate or interest.

Warrant for possession.

24.—(1) If any resistance or opposition is made by any person to the Commission or to any person acting for it entering upon and taking possession of land or exercising any power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the Commission or agreement therefor, or of the depositing of a plan and description in the proper registry office as provided by section 12, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the Commission, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power.

SECTION 23. The Commission may require any person who has had an estate or interest in land expropriated or who represents any such person, to furnish particulars of any such estate or interest.

SECTION 24 provides for the issue of a warrant for possession and the execution of such warrant by the sheriff where any person offers resistance to the Commission or to any person acting for the Commission when entering upon or taking possession of land.

Duty and powers of sheriff.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the Commission, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same.

Affecting Crown lands.

25.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown Lands, a duplicate of the plan and description shall be deposited with the Minister of Lands and Forests and such scheme or part thereof shall not be proceeded with until the Commission has received the approval in writing of such Minister.

Interference with public work.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario, such scheme or such part thereof shall not be proceeded with until the Commission has received the approval in writing of the Minister of Public Works for Ontario.

Interference with highway.

(3) Where any scheme undertaken by the Commission, or any part thereof, will interfere with any public road or highway, the Commission shall file with the Minister of Highways for Ontario a plan and description of such scheme or part thereof together with a statement of the interference with any public road or highway which will occur and a statement of the manner in which the Commission proposes to remedy such interference, and such scheme or part thereof shall not be proceeded with until the approval in writing of such Minister has been obtained.

Costs, how to be borne.

(4) The cost of rebuilding any road, highway, bridge or public work or any part thereof and the cost of any other work which any of the Ministers of the Crown may require to be done under this section, shall be borne by the Commission, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario.

Consent to erection of structure.

26. No person shall build, erect or construct any building, bridge or other structure adjacent to or over the Grand, Conestoga, Nith or Speed Rivers or any tributary of any of such rivers without the consent in writing of the Commission.

Assessment of lands of Commission.

27.—(1) Land which is acquired by the Commission by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works exempt from taxation.

(2) Works erected by the Commission for the purposes of any scheme shall be exempt from municipal taxation.

SECTION 25 deals with interference with Crown lands and public works by the Commission.

SECTION 26 prohibits the erection of structures adjacent to or over the Grand, Conestoga, Nith and Speed Rivers, without the consent in writing of the Commission.

SECTION 27 deals with the assessment of lands and works of the Commission.

Cemetery lands.

28.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the Commission shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to plot owners.

(2) The Commission shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication of notice.

(3) The Commission shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(*a*) that the cemetery or other place of interment has been acquired for the purposes of the Commission;

(*b*) that other land, describing it, has been acquired by the Commission for the purpose of reinterring the bodies;

(*c*) that the Commission will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and

(*d*) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the Commission, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the Commission and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the Commission may determine.

Authority to remove bodies.

(4) The Commission shall have full authority to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for reinterment in any other cemetery or place of interment.

SECTION 28. Provision is made for the removal of cemeteries where the Commission requires the land occupied by them.

Removal of headstones.

(3) Where any body is removed and reinterred any headstone and other stones shall be removed and re-erected at the place of reinterment.

Conveyance of lands for reinterment.

(6) The Commission shall render lands, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Use of water power.

29.—(1) Subject to the right of the Commission to use any water power created upon lands vested in the Commission for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the Commission.

Compensation for water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the Commission an annual, reasonable compensation for the use of any such water power used by it.

Determination of compensation.

(3) Where the Commission and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief engineer of each commission and an engineer to be agreed upon by both chief engineers, or in the event of the chief engineers being unable to agree, appointed by the Lieutenant-Governor in Council, who shall act as chairman of the committee, and there shall be no appeal from such committee; provided, however, that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either commission.

Charge for additional power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario the Commission shall charge the present or future users of power derived from the use of the waters of the Grand River Valley for any additional power, generated from increased head or flow due to the works undertaken by the Commission.

Determination of capital expenditure.

30.—(1) The Commission may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be raised by participating municipalities.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality

SECTION 29 provides for the use of and charges to be made for water power created by the works of the Commission.

SECTION 30 provides for the assessment of capital expenditure against the participating municipalities.

bears to the total benefit derived by all participating municipalities.

How money to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the Commission, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the Commission for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment of municipalities for maintenance.

31.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by the Commission against each of the participating municipalities.

Apportionment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the Commission shall apportion such cost to the participating municipalities according to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the Commission shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the Commission.

Enforcement of payment.

(3) The Commission may enforce payment against any participating municipality of any portion of the cost of maintenance apportioned and assessed to such municipality as a debt due by such municipality to the Commission.

Consent of electors not necessary.

32. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the consent of the electors.

Moneys to be paid to Commission.

33. All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys as it deems proper.

1932, c. 53, repealed.

34. *The Grand River Conservation Commission Act, 1932*, being chapter 55 of the Statutes of Ontario, 1932, is repealed.

Commencement of Act.

35. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 31 provides for the assessment of the cost of maintenance against the participating municipalities.

SECTION 32 clarifies the powers of the municipal councils in respect to powers and duties conferred or imposed under this Act.

SECTION 33 gives power to the Commission to spend moneys which are raised for its purposes.

SECTION 34. *The Grand River Conservation Act, 1932*, is repealed.

SECTION 35 provides that the Act shall come into force upon receiving the Royal Assent in order that the Commission may proceed without delay.

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

1st Reading

March 18th, 1938

2nd Reading

3rd Reading

MR. CAMPBELL
(Sault Ste. Marie)

1938

No. 78

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

MR. CAMPBELL
(Sault Ste. Marie)

TORONTO
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No. 78 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Grand River Conservation Act, 1938.*

Interpretation.

2. In this Act,—

"Board of engineers."

(*a*) "Board of engineers" shall mean a board of engineers appointed by the Commission;

"Chief engineer."

(*b*) "Chief engineer" shall mean the chief engineer of the Commission;

"Commission."

(*c*) "Commission" shall mean Grand River Conservation Commission established under this Act;

"Executive committee."

(*d*) "Executive committee" shall mean executive committee appointed by the Commission;

"Grand River Valley."

(*e*) "Grand River Valley" shall mean that part of Ontario within the watershed of the Grand River and its tributaries;

"Land."

(*f*) "Land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land;

"Owner."

(*g*) "Owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;

"Participating municipalities."

(*h*) "Participating municipalities" shall mean the municipalities of the Cities of Brantford, Galt and Kitchener, the Towns of Paris, Preston and Waterloo and

the Villages of Elora and Fergus and any other municipalities which may benefit by a scheme and which may be declared participating municipalities by the Lieutenant-Governor in Council upon the recommendation of the Commission;

(*i*) "Referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the Grand River Valley is situate; "Referee." Rev. Stat., c. 278.

(*j*) "Scheme" shall mean scheme undertaken by the Commission for the purpose of conserving the waters of the Grand River Valley to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and of controlling such waters in times of flood. "Scheme."

3.—(1) There shall be a commission known as the "Grand River Conservation Commission" which shall be a body corporate. Commission,—establishment of.

(2) The members of the Commission may be appointed by the councils of the participating municipalities as follows: the City of Brantford, three commissioners; the Cities of Galt and Kitchener, two commissioners each; the Towns of Paris, Preston and Waterloo and the Villages of Elora and Fergus, one commissioner each; any municipalities declared to be participating municipalities by the Lieutenant-Governor in Council, one commissioner each, and each commissioner shall hold office during the pleasure of the council appointing him. Appointment of commissioners.

(3) In the event that the Commission determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the Commission, such municipality shall not be entitled to representation on the Commission and shall cease to be a participating municipality. Where municipality does not benefit.

(4) The first meeting of the Commission shall be held at a place and time to be named by the Minister of Public Works for Ontario. First meeting.

4.—(1) Each member of the Commission shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote. Votes.

(2) Seven members of the Commission shall constitute a quorum. Quorum.

Majority vote.

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting.

Chairman, vice-chairman.

5.—(1) At the first meeting of the Commission and thereafter at the first meeting held in each calendar year, the Commission shall elect a chairman and a vice-chairman from among themselves.

Death of chairman and vice-chairman.

(2) Upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a commissioner, the commissioners may elect a chairman or vice-chairman to fill such vacancy.

Absence of chairman and vice-chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief engineer, secretary-treasurer,—appointment of.

6.—(1) The Commission may appoint a chief engineer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the Commission and shall receive such salary or other remuneration as the Commission may determine, payable out of the funds of the Commission.

Boards of engineers,—appointment of.

(2) The Commission may appoint one or more boards of engineers and each such board shall consist of the chief engineer and two other qualified engineers.

Executive committee.

7.—(1) The Commission may elect or appoint an executive committee from among themselves.

Chief engineer to be member.

(2) The chief engineer shall be *ex officio* a member of the executive committee.

Powers of Commission.

8. The Commission shall have authority,—

(*a*) to study and investigate, itself or by its engineers or other employees or representatives, the Grand River Valley and to determine a scheme whereby the waters of the said Grand River Valley may be conserved to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and controlled in times of flood, and to undertake such scheme;

(*b*) to erect works and create reservoirs by the construction of dams or otherwise;

(*c*) to acquire land and other property, real and personal for such purposes as the Commission may deem necessary for the carrying out of any scheme and sell or otherwise deal with such land or other property;

(*d*) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;

(*e*) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them; and

(*f*) generally to do all such acts as are necessary for the due carrying out of any scheme.

Notice of apportionment.

9.—(1) When the Commission has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail.

Review of apportionment by Municipal Board.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the Commission, apply to the Ontario Municipal Board to have such apportionment reviewed.

Hearing.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of Board on hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of apportionment.

(5) In the event of the Commission varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,—

(*a*) providing for the calling of meetings of the Commission and prescribing the procedure at such meetings;

(*b*) prescribing the powers and duties of the chief engineer and secretary-treasurer;

(*c*) delegating all or any of its powers to the executive committee except the following:

(i) the termination of the services of the chief engineer and secretary-treasurer;

(ii) the power to raise money; and

(iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the Commission.

Power to enter on lands, etc.

11.—(1) The commission may itself or by its chief engineer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the Commission, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works for Ontario, may, for the purposes of any scheme,—

(*a*) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the Commission; and

(*b*) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

Cost of work.

(2) The cost of any work undertaken by the Commission under this section shall be borne by the Commission and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 18.

Power to purchase and acquire.

12. The Commission may purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require for the carrying out of any scheme.

Expropriation of land.

13. If the chairman of the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and

may afterwards sell and convey any part thereof as it deems expedient.

Plan to be deposited in registry office.

14.—(1) Where the Commission desires to expropriate land, it shall cause a plan and description of such land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and by the chief engineer, to be deposited in the proper registry office and such land shall thereupon be vested in the Commission.

Where land required for limited time.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the Commission.

Correcting plan or description.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

Deposit of plan.

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief engineer, is so deposited, they shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the Commission.

Notice where land expropriated.

15.—(1) Where land is expropriated, the Commission shall within one month of the deposit of the plan and description in the registry office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

(2) Such notice shall state,—

Notice, what to state.

(*a*) that such land has been expropriated by the Commission;

(*b*) the purpose for which the land is to be used;

(*c*) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the Commission not later than one month after the mailing or third publication of the notice, whichever is the later date.

Determination of amount of compensation.

(3) Upon the expiration of the time indicated in the notice a board of engineers shall consider and determine the amount of compensation payable.

Filing of statement.

(4) The board of engineers shall in every case where it is called upon to determine the amount of compensation payable, file with the Commission a statement of the amount of compensation it finds to be payable, together with written reasons for such finding.

Notice to person claiming.

(5) Within one month of the filing of such statement and reasons the Commission shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the board of engineers.

Notice of appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the board of engineers, may within one month of the mailing of such notice, notify the Commission in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of notice of dissatisfaction to be sent to Municipal Board.

(7) Upon receipt of a notice of dissatisfaction, the Commission shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the board of engineers and a copy of the plan and description certified by the chief engineer.

Hearing of appeal.

(8) The secretary of the Ontario Municipal Board shall advise the Commission of the time and place when such appeal will be heard and the Commission shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Power of Municipal Board.

(9) The Ontario Municipal Board shall have authority to review the finding of the board of engineers and to increase, decrease, otherwise vary or confirm such finding, or may refer the matter back to the board of engineers for further consideration in which case the board of engineers shall report back to the Ontario Municipal Board and the decision of the Ontario Municipal Board shall be final and conclusive and shall not be open to any appeal, ☞ provided, however, than an appeal shall lie from the board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from, or within such further time as the Court under the special circumstances of the case

shall allow after notice to the other party stating the grounds of appeal, and upon every such appeal the provisions of *The Ontario Municipal Board Act* relating to appeals from the Ontario Municipal Board to the Court of Appeal shall apply *mutatis mutandis*. Rev. Stat., c. 60.

Character of compensation.

16. The compensation agreed upon or determined by the board of engineers or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired.

Right of Commission to abandon land taken.

17.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the Commission may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,—

(*a*) the land declared to be abandoned shall revest in the person from whom it was expropriated or in those entitled to claim under him; or

(*b*) in the event of a limited estate or interest therein being retained by the Commission, the land shall so revest subject to the estate or interest so retained.

Effect upon compensation.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages where abandonment complete.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis* as is provided by section 15, provided that if the amount of compensation for the expropriation of such land is being determined by the board of engineers or the Ontario Municipal Board at the time of such abandonment, such board shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment.

Damage to other lands.

18.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act* or *The Ditches and Watercourses Act* or otherwise, the owner of such land may apply, in writing, to the Commission for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Rev. Stat., cc. 278, 350.

Report of board of engineers.

(2) Upon receipt of an application for compensation under subsection 1, the Commission shall direct a board of engineers to investigate such claim and upon the completion of such investigation the board of engineers shall report to the Commission whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the Commission shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of compensation.

(3) In determining what amount of money is fair compensation for damage occasioned, the board of engineers, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the Commission with a notice of appeal in accordance with subsection 5, the board may pay to the applicant the amount deemed by the board of engineers to be reasonable compensation and thereafter no further claim shall be made against the Commission in respect of such land.

Appeal to referee.

(5) Any applicant who is dissatisfied with the report of the board of engineers may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the Commission by prepaid registered mail.

Arrangements for appeal.

(6) Upon receipt of such notice of appeal the Commission shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Hearing of appeal.

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and

after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final. Rev. Stat., c. 278.

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof. Rev. Stat., c. 278 to apply.

19.—(1) Any drainage works undertaken in the Grand River Valley after the coming force of this Act shall be undertaken subject to any scheme of the Commission. Future drainage works.

(2) For the purposes of this section a scheme of the Commission shall include all dams, reservoirs and works which are indicated in any plan or described in any description filed by the Commission with the referee. Scheme defined.

(3) A true copy of all plans and descriptions filed with the referee under subsection 2 shall be kept in the office of the Commission and may be inspected by any person interested in any drainage work or proposed drainage work in the Grand River Valley. Inspection of plans.

20.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act. Contracts by tenants in tail, executors and others.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability. Representation of persons under disability.

Payment of compensation up to $100.

21. If the compensation agreed upon, or found payable, does not exceed $100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of compensation into court.

22.—(1) In the cases provided for in section 20 the commission shall, and, in all other cases if for any reason the Commission deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

Proceedings after payment into court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the Commission under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until until after six months have expired the judge may order the Commission to pay interest for such further period as may be deemed just.

Representation of parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

Power to require particulars.

23. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the Commission, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which the same is subject and of the claim made by such person in respect of such estate or interest.

Warrant for possession.

24.—(1) If any resistance or opposition is made by any person to the Commission or to any person acting for it entering upon and taking possession of land or exercising any

power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the Commission or agreement therefor, or of the depositing of a plan and description in the proper registry office as provided by section 12, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the Commission, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power.

Duty and powers of sheriff.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the Commission, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same.

Plans,— filing of

25. Before proceeding with any scheme the Commission shall file plans and a description thereof with the Minister of Lands and Forests.

Affecting Crown lands.

26.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown Lands, a plan and description of such lands prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and the chief engineer shall be deposited with the Minister of Lands and Forests and such scheme or part thereof shall not be proceeded with until the Commission has received the approval in writing of such Minister.

Interference with public work.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario, such scheme or such part thereof shall not be proceeded with until the Commission has received the approval in writing of the Minister of Public Works for Ontario.

Interference with highway.

(3) Where any scheme undertaken by the Commission, or any part thereof, will interfere with any public road or highway, the Commission shall file with the Minister of Highways for Ontario a plan and description of such scheme or part thereof together with a statement of the interference with any public road or highway which will occur and a statement of the manner in which the Commission proposes to remedy such interference, and such scheme or part thereof shall not be proceeded with until the approval in writing of such Minister has been obtained.

Costs how to be borne.

(4) The cost of rebuilding any road, highway, bridge or public work or any part thereof and the cost of any other

work which any of the Ministers of the Crown may require to be done under this section, shall be borne by the Commission, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario.

Consent to erection of structure.

27. No person shall build, alter, erect or construct any building, bridge or other structure adjacent to or over the Grand, Conestoga, Nith or Speed Rivers or any tributary of any of such rivers without the consent in writing of the Commission.

Assessment of lands of Commission.

28.—(1) Land which is acquired by the Commission by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works exempt from taxation.

(2) Works erected by the Commission for the purposes of any scheme shall be exempt from municipal taxation.

Cemetery lands.

29.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the Commission shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to plot owners.

(2) The Commission shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication of notice.

(3) The Commission shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(*a*) that the cemetery or other place of interment has been acquired for the purposes of the Commission;

(*b*) that other land, describing it, has been acquired by the Commission for the purpose of reinterring the bodies;

(*c*) that the Commission will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and

(*d*) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the Commission, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the Commission and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the Commission may determine.

Authority to remove bodies.

(4) The Commission shall have full authority to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for reinterment in any other cemetery or place of interment.

Removal of headstones.

(5) Where any body is removed and reinterred any headstone and other stones shall be removed and re-erected at the place of reinterment.

Conveyance of lands for reinterment.

(6) The Commission shall render lands, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Use of water power.

30.—(1) Subject to the right of the Commission to use any water power created upon lands vested in the Commission for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the Commission.

Compensation for water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the Commission an annual, reasonable compensation for the use of any such water power used by it.

Determination of compensation.

(3) Where the Commission and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief engineer of each commission and an engineer to be agreed upon by both chief engineers, or in the event of the chief engineers being unable to agree, appointed by the Lieutenant-Governor in Council, who shall act as chairman of the com-

mittee, and there shall be no appeal from such committee; provided, however, that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either commission.

Charge for additional power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario the Commission shall charge the present or future users of power derived from the use of the waters of the Grand River Valley for any additional power, generated from increased head or flow due to the works undertaken by the Commission.

When section not to apply. Rev. Stat., c. 33.

(5) This section shall not apply to water power reserved to the Crown under the provisions to *The Public Lands Act.*

Determination of capital expenditure.

31.—(1) The Commission may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be raised by participating municipalities.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the Commission, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the Commission for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment of municipalities for maintenance.

32.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by the Commission against each of the participating municipalities.

Apportionment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the Commission shall apportion such cost to the participating municipalities according to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the Commission shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the Commission.

(3) The Commission may enforce payment against any participating municipality of any portion of the cost of maintenance apportioned and assessed to such municipality as a debt due by such municipality to the Commission. Enforcement of payment.

33. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the consent of the electors. Consent of electors not necessary.

34. All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys as it deems proper, provided that no salary, expenses or allowances of any kind shall be paid to any of the members of the Commission without the approval of the Ontario Municipal Board. Moneys to be paid to Commission.

35. *The Grand River Conservation Commission Act, 1932*, being chapter 55 of the Statutes of Ontario, 1932, is repealed. 1932, c. 53, repealed.

36. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

No. 78

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

1st Reading

March 18th, 1938

2nd Reading

March 21st, 1938

3rd Reading

MR. CAMPBELL
(Sault Ste. Marie)

(*Reprinted as amended in Committee of the Whole House.*)

1938

No. 78

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

MR. CAMPBELL
(Sault Ste. Marie)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78 1938

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Grand River Conservation Act, 1938.*

Interpretation.

2. In this Act,—

"Board of engineers."

(*a*) "Board of engineers" shall mean a board of engineers appointed by the Commission;

"Chief engineer."

(*b*) "Chief engineer" shall mean the chief engineer of the Commission;

"Commission."

(*c*) "Commission" shall mean Grand River Conservation Commission established under this Act;

"Executive committee."

(*d*) "Executive committee" shall mean executive committee appointed by the Commission;

"Grand River Valley."

(*e*) "Grand River Valley" shall mean that part of Ontario within the watershed of the Grand River and its tributaries;

"Land."

(*f*) "Land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land;

"Owner."

(*g*) "Owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;

"Participating municipalities."

(*h*) "Participating municipalities" shall mean the municipalities of the Cities of Brantford, Galt and Kitchener, the Towns of Paris, Preston and Waterloo and

the Villages of Elora and Fergus and any other municipalities which may benefit by a scheme and which may be declared participating municipalities by the Lieutenant-Governor in Council upon the recommendation of the Commission;

"Referee." Rev. Stat., c. 278.

(*i*) "Referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the Grand River Valley is situate;

"Scheme."

(*j*) "Scheme" shall mean scheme undertaken by the Commission for the purpose of conserving the waters of the Grand River Valley to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and of controlling such waters in times of flood.

Commission,—establishment of.

3.—(1) There shall be a commission known as the "Grand River Conservation Commission" which shall be a body corporate.

Appointment of commissioners.

(2) The members of the Commission may be appointed by the councils of the participating municipalities as follows: the City of Brantford, three commissioners; the Cities of Galt and Kitchener, two commissioners each; the Towns of Paris, Preston and Waterloo and the Villages of Elora and Fergus, one commissioner each; any municipalities declared to be participating municipalities by the Lieutenant-Governor in Council, one commissioner each, and each commissioner shall hold office during the pleasure of the council appointing him.

Where municipality does not benefit.

(3) In the event that the Commission determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the Commission, such municipality shall not be entitled to representation on the Commission and shall cease to be a participating municipality.

First meeting.

(4) The first meeting of the Commission shall be held at a place and time to be named by the Minister of Public Works for Ontario.

Votes.

4.—(1) Each member of the Commission shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote.

Quorum.

(2) Seven members of the Commission shall constitute a quorum.

Majority vote.

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting.

Chairman, vice-chairman.

5.—(1) At the first meeting of the Commission and thereafter at the first meeting held in each calendar year, the Commission shall elect a chairman and a vice-chairman from among themselves.

Death of chairman and vice-chairman.

(2) Upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a commissioner, the commissioners may elect a chairman or vice-chairman to fill such vacancy.

Absence of chairman and vice-chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief engineer, secretary-treasurer,—appointment of.

6.—(1) The Commission may appoint a chief engineer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the Commission and shall receive such salary or other remuneration as the Commission may determine, payable out of the funds of the Commission.

Boards of engineers,—appointment of.

(2) The Commission may appoint one or more boards of engineers and each such board shall consist of the chief engineer and two other qualified engineers.

Executive committee.

7.—(1) The Commission may elect or appoint an executive committee from among themselves.

Chief engineer to be member.

(2) The chief engineer shall be *ex officio* a member of the executive committee.

Powers of Commission.

8. The Commission shall have authority,—

(*a*) to study and investigate, itself or by its engineers or other employees or representatives, the Grand River Valley and to determine a scheme whereby the waters of the said Grand River Valley may be conserved to afford a sufficient supply of water for the municipal, domestic and manufacturing purposes of the participating municipalities during periods of water shortage and controlled in times of flood, and to undertake such scheme;

(*b*) to erect works and create reservoirs by the construction of dams or otherwise;

(*c*) to acquire land and other property, real and personal for such purposes as the Commission may deem necessary for the carrying out of any scheme and sell or otherwise deal with such land or other property;

(*d*) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;

(*e*) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them; and

(*f*) generally to do all such acts as are necessary for the due carrying out of any scheme.

Notice of apportionment.

9.—(1) When the Commission has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail.

Review of apportionment by Municipal Board.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the Commission, apply to the Ontario Municipal Board to have such apportionment reviewed.

Hearing.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of Board on hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of apportionment.

(5) In the event of the Commission varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,—

(*a*) providing for the calling of meetings of the Commission and prescribing the procedure at such meetings;

(*b*) prescribing the powers and duties of the chief engineer and secretary-treasurer;

(*c*) delegating all or any of its powers to the executive committee except the following:

(i) the termination of the services of the chief engineer and secretary-treasurer;

(ii) the power to raise money; and

(iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the Commission.

Power to enter on lands, etc.

11.—(1) The commission may itself or by its chief engineer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the Commission, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works for Ontario, may, for the purposes of any scheme,—

(*a*) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the Commission; and

(*b*) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

Cost of work.

(2) The cost of any work undertaken by the Commission under this section shall be borne by the Commission and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 18.

Power to purchase and acquire.

12. The Commission may purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require for the carrying out of any scheme.

Expropriation of land.

13. If the chairman of the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and

may afterwards sell and convey any part thereof as it deems expedient.

Plan to be deposited in registry office.

14.—(1) Where the Commission desires to expropriate land, it shall cause a plan and description of such land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and by the chief engineer, to be deposited in the proper registry office and such land shall thereupon be vested in the Commission.

Where land required for limited time.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the Commission.

Correcting plan or description.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

Deposit of plan.

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief engineer, is so deposited, they shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the Commission.

Notice where land expropriated.

15.—(1) Where land is expropriated, the Commission shall within one month of the deposit of the plan and description in the registry office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

(2) Such notice shall state,—

Notice, what to state.

(*a*) that such land has been expropriated by the Commission;

(*b*) the purpose for which the land is to be used;

(*c*) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the Commission not later than one month after the mailing or third publication of the notice, whichever is the later date.

Determination of amount of compensation.

(3) Upon the expiration of the time indicated in the notice a board of engineers shall consider and determine the amount of compensation payable.

Filing of statement.

(4) The board of engineers shall in every case where it is called upon to determine the amount of compensation payable, file with the Commission a statement of the amount of compensation it finds to be payable, together with written reasons for such finding.

Notice to person claiming.

(5) Within one month of the filing of such statement and reasons the Commission shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the board of engineers.

Notice of appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the board of engineers, may within one month of the mailing of such notice, notify the Commission in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of notice of dissatisfaction to be sent to Municipal Board.

(7) Upon receipt of a notice of dissatisfaction, the Commission shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the board of engineers and a copy of the plan and description certified by the chief engineer.

Hearing of appeal.

(8) The secretary of the Ontario Municipal Board shall advise the Commission of the time and place when such appeal will be heard and the Commission shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Power of Municipal Board.

(9) The Ontario Municipal Board shall have authority to review the finding of the board of engineers and to increase, decrease, otherwise vary or confirm such finding, or may refer the matter back to the board of engineers for further consideration in which case the board of engineers shall report back to the Ontario Municipal Board and the decision of the Ontario Municipal Board shall be final and conclusive and shall not be open to any appeal, provided, however, than an appeal shall lie from the board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from, or within such further time as the Court under the special circumstances of the case

shall allow after notice to the other party stating the grounds of appeal, and upon every such appeal the provisions of *The Ontario Municipal Board Act* relating to appeals from the Ontario Municipal Board to the Court of Appeal shall apply *mutatis mutandis*. Rev. Stat., c. 60.

16. The compensation agreed upon or determined by the board of engineers or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired. Character of compensation.

17.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the Commission may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,— Right of Commission to abandon land taken.

(*a*) the land declared to be abandoned shall revest in the person from whom it was expropriated or in those entitled to claim under him; or

(*b*) in the event of a limited estate or interest therein being retained by the Commission, the land shall so revest subject to the estate or interest so retained.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation. Effect upon compensation.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis* as is provided by section 15, provided that if the amount of compensation for the expropriation of such land is being determined by the board of engineers or the Ontario Municipal Board at the time of such abandonment, such board shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment. Damages where abandonment complete.

Damage to other lands.

18.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act* or *The Ditches and Watercourses Act* or otherwise, the owner of such land may apply, in writing, to the Commission for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Rev. Stat., cc. 278, 350.

Report of board of engineers.

(2) Upon receipt of an application for compensation under subsection 1, the Commission shall direct a board of engineers to investigate such claim and upon the completion of such investigation the board of engineers shall report to the Commission whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the Commission shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of compensation.

(3) In determining what amount of money is fair compensation for damage occasioned, the board of engineers, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the Commission with a notice of appeal in accordance with subsection 5, the board may pay to the applicant the amount deemed by the board of engineers to be reasonable compensation and thereafter no further claim shall be made against the Commission in respect of such land.

Appeal to referee.

(5) Any applicant who is dissatisfied with the report of the board of engineers may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the Commission by prepaid registered mail.

Arrangements for appeal.

(6) Upon receipt of such notice of appeal the Commission shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Hearing of appeal.

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and

after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final. Rev. Stat., c. 278.

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof. Rev. Stat., c. 278 to apply.

19.—(1) Any drainage works undertaken in the Grand River Valley after the coming into force of this Act shall be undertaken subject to any scheme of the Commission. Future drainage works.

(2) For the purposes of this section a scheme of the Commission shall include all dams, reservoirs and works which are indicated in any plan or described in any description filed by the Commission with the referee. Scheme defined.

(3) A true copy of all plans and descriptions filed with the referee under subsection 2 shall be kept in the office of the Commission and may be inspected by any person interested in any drainage work or proposed drainage work in the Grand River Valley. Inspection of plans.

20.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act. Contracts by tenants in tail, executors and others.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability. Representation of persons under disability.

Payment of compensation up to $100.

21. If the compensation agreed upon, or found payable, does not exceed $100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of compensation into court.

22.—(1) In the cases provided for in section 20 the commission shall, and, in all other cases if for any reason the Commission deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

Proceedings after payment into court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the Commission under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until until after six months have expired the judge may order the Commission to pay interest for such further period as may be deemed just.

Representation of parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

Power to require particulars.

23. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the Commission, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which the same is subject and of the claim made by such person in respect of such estate or interest.

Warrant for possession.

24.—(1) If any resistance or opposition is made by any person to the Commission or to any person acting for it entering upon and taking possession of land or exercising any

power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the Commission or agreement therefor, or of the depositing of a plan and description in the proper registry office as provided by section 14, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the Commission, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power.

Duty and powers of sheriff.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the Commission, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same.

Plans,— filing of

25. Before proceeding with any scheme the Commission shall file plans and a description thereof with the Minister of Lands and Forests for Ontario.

Affecting Crown lands.

26.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown lands, a plan and description of such lands prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and the chief engineer shall be deposited with the Minister of Lands and Forests for Ontario and such scheme or part thereof shall not be proceeded with until the Commission has received the approval in writing of such Minister.

Interference with public work.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario, such scheme or such part thereof shall not be proceeded with until the Commission has received the approval in writing of the Minister of Public Works for Ontario.

Interference with highway.

(3) Where any scheme undertaken by the Commission, or any part thereof, will interfere with any public road or highway, the Commission shall file with the Minister of Highways for Ontario a plan and description of such scheme or part thereof together with a statement of the interference with any public road or highway which will occur and a statement of the manner in which the Commission proposes to remedy such interference, and such scheme or part thereof shall not be proceeded with until the approval in writing of such Minister has been obtained.

Costs how to be borne.

(4) The cost of rebuilding any road, highway, bridge or public work or any part thereof and the cost of any other

work which any of the Ministers of the Crown may require to be done under this section, shall be borne by the Commission, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario.

Consent to erection of structure.

27. No person shall build, alter, erect or construct any building, bridge or other structure adjacent to or over the Grand, Conestoga, Nith or Speed Rivers or any tributary of any of such rivers without the consent in writing of the Commission.

Assessment of lands of Commission.

28.—(1) Land which is acquired by the Commission by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works exempt from taxation.

(2) Works erected by the Commission for the purposes of any scheme shall be exempt from municipal taxation.

Cemetery lands.

29.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the Commission shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to plot owners.

(2) The Commission shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication of notice.

(3) The Commission shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(*a*) that the cemetery or other place of interment has been acquired for the purposes of the Commission;

(*b*) that other land, describing it, has been acquired by the Commission for the purpose of reinterring the bodies;

(*c*) that the Commission will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and

(*d*) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the Commission, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the Commission and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the Commission may determine.

Authority to remove bodies.

(4) The Commission shall have full authority to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for reinterment in any other cemetery or place of interment.

Removal of headstones.

(5) Where any body is removed and reinterred any headstone and other stones shall be removed and re-erected at the place of reinterment.

Conveyance of lands for reinterment.

(6) The Commission shall render lands, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Use of water power.

30.—(1) Subject to the right of the Commission to use any water power created upon lands vested in the Commission for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the Commission.

Compensation for water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the Commission an annual, reasonable compensation for the use of any such water power used by it.

Determination of compensation.

(3) Where the Commission and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief engineer of each commission and an engineer to be agreed upon by both chief engineers, or in the event of the chief engineers being unable to agree, appointed by the Lieutenant-Governor in Council, who shall act as chairman of the com-

mittee, and there shall be no appeal from such committee; provided, however, that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either commission.

Charge for additional power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario the Commission shall charge the present or future users of power derived from the use of the waters of the Grand River Valley for any additional power, generated from increased head or flow due to the works undertaken by the Commission.

When section not to apply. Rev. Stat., c. 33.

(5) This section shall not apply to water power reserved to the Crown under the provisions of *The Public Lands Act.*

Determination of capital expenditure.

31.—(1) The Commission may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be raised by participating municipalities.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the Commission, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the Commission for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment of municipalities for maintenance.

32.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by the Commission against each of the participating municipalities.

Apportionment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the Commission shall apportion such cost to the participating municipalities according to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the Commission shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the Commission.

(3) The Commission may enforce payment against any participating municipality of any portion of the cost of maintenance apportioned and assessed to such municipality as a debt due by such municipality to the Commission. Enforcement of payment.

33. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the consent of the electors. Consent of electors not necessary.

34. All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys as it deems proper, provided that no salary, expenses or allowances of any kind shall be paid to any of the members of the Commission without the approval of the Ontario Municipal Board. Moneys to be paid to Commission.

35. *The Grand River Conservation Commission Act, 1932*, being chapter 55 of the Statutes of Ontario, 1932, is repealed. 1932, c. 53 repealed.

36. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

BILL

An Act to provide for the Conservation of Water in the Grand River Valley.

1st Reading

March 18th, 1938

2nd Reading

March 21st, 1938

3rd Reading

April 4th, 1938

MR. CAMPBELL
(Sault Ste. Marie)

No. 79

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Gasoline Handling Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 79 1938

BILL

An Act to amend The Gasoline Handling Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Gasoline Handling Amendment Act, 1938.*

Rev. Stat., c. 332, s. 12, amended.

2. Section 12 of *The Gasoline Handling Act* is amended by adding thereto the following clause:

(*jj*) prescribing the method, manner and equipment to be used in the handling, storing, selling and disposing of gasoline, kerosene and distillate.

Explanatory Note

The Bill permits the Lieutenant-Governor in Council to make regulations prescribing the method, manner and equipment to be used in the handling, storing, selling and disposing of gasoline, kerosene and distillate.

BILL

An Act to amend The Gasoline Handling Act.

1st Reading

March 21st, 1938

2nd Reading

3rd Reading

MR. MCQUESTEN

1938

No. 79

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

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No. 79

BILL

An Act to amend The Gasoline Handling Act.

1st Reading

March 21st, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 4th, 1938

MR. MCQUESTEN

No. 80

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Rural Power District Service Charge Act.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 80 1938

BILL

An Act to amend The Rural Power District Service Charge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Rural Power District Service Charge Amendment Act, 1938.*

Rev. Stat., c. 66, s. 1, re-enacted.

2. Section 1 of *The Rural Power District Service Charge Act* is repealed and the following substituted therefor:

Fixing maximum service charge, etc.

1. Notwithstanding anything contained in any Statute or municipal by-law or contract, the Lieutenant-Governor in Council, upon the recommendation of The Hydro-Electric Power Commission of Ontario, may from time to time make regulations fixing a maximum service charge for any class of service rendered by the Commission in a rural power district and also fixing the minimum number of consumers of different classes per mile of transmission line required for construction of works by the Commission in a rural power district or part thereof.

Rev. Stat., c. 66, s. 2, subs. 1, re-enacted.

3. Subsection 1 of section 2 of *The Rural Power District Service Charge Act* is repealed and the following substituted therefor:

Where deficit arises.

(1) Where in any rural power district by reason of such maximum service charge or minimum number of consumers having been fixed pursuant to section 1, the revenue derived from such service charge is not sufficient to meet the necessary cost of the service as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Explanatory Note

The Bill provides for the fixing by the Lieutenant-Governor in Council of the minimum number of consumers per mile of transmission line required for construction of works by the Commission in a rural power district.

BILL

An Act to amend The Rural Power District Service Charge Act.

1st Reading

March 22nd, 1938

2nd Reading

3rd Reading

MR. HOUCK

1938

No. 80

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Rural Power District Service Charge Act.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
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Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Rural Power District Service Charge Act.

1st Reading

March 22nd, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. HOUCK

No. 81

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Act.

MR. GLASS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 81 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 271, subss. 6, 7, re-enacted.

1. Subsections 6 and 7 of section 271 of *The Municipal Act* are repealed and the following substituted therefor:

Review by Municipal Board.

(6) The decision of a board of commissioners of police in refusing or revoking a license shall be reviewed by the Municipal Board upon the written application of any interested person made to it within thirty days of the date of such decision.

Practice.

(7) The practice to be followed in connection with such application and review shall be in the discretion of the Municipal Board and the order of the Municipal Board, which may affirm, alter or reverse the decision under review, shall be final and shall be acted upon by the board of commissioners of police concerned.

Rev. Stat., c. 266, s. 408, par. 6, re-enacted.

2. Paragraph 6 of section 408 of *The Municipal Act* is repealed and the following substituted therefor:

Measuring, etc., certain articles.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.

(*a*) A by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

(*b*) A by-law passed under this paragraph may define, grade and classify coal, coke and other fuel, may require any person selling coal, coke or other fuel to consumers thereof to be the owner or occupant of a yard used for the purposes of such business, and may specify the facilities and equipment required for carrying on such business.

Explanatory Note

Section 1. In 1937 this section was amended to provide for an appeal from a police commission to a Supreme Court Judge. This procedure has proved impractical. (See in re Silverberg O.W.N. 1937, at page 353; O.R. 1937, at page 528.) This amendment provides that such matters shall be reviewed by the Ontario Municipal Board.

Section 2. Rearranges paragraph 6, corrects a typographical error and adds clause (*b*) which gives consumers of coal and other fuels a greater degree of protection from dealers.

Rev. Stat., c. 266, s. 422, amended.

3. Section 422 of *The Municipal Act* is amended by adding thereto the following paragraph:

Private schools.

5. For licensing, regulating and governing private day and boarding schools and other similar buildings in which children are housed.

Rev. Stat., c. 266, s. 442, par. 1, cls. *a*, *b*, re-enacted.

4. Clauses *a* and *b* of paragraph 1 of section 442 of *The Municipal Act* are repealed and the following substituted therefor:

(*a*) The license fee may vary in amount for different classes or kinds of such dealers.

(*b*) Any such by-law shall extend to include persons who by themselves or their employees, agents, canvassers or solicitors, offer for sale, take orders for or deliver coal or coke within the municipality, so that such persons shall be subject to such by-law.

SECTION 3. This amendment is considered desirable so that adequate protection may be afforded children in private schools.

SECTION 4. The maximum license fee is now $5, which is not commensurate with the inspection services provided. Such fee should vary for the several classes of dealers, i.e., wholesale, retail, dock, etc.

The purview of the by-law is extended to include persons who offer for sale coal or coke.

No. 81

BILL

An Act to amend The Municipal Act.

1st Reading

March 23rd, 1938

2nd Reading

3rd Reading

MR. GLASS

1938

No. 82

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Assessment Act.

MR. GLASS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 82 1938

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 272, s. 8, subs. 1, cl. *c*, amended.

1.—(1) Clause *c* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the words "of a wholesale merchant" in the first and second lines, so that the said clause shall now read as follows:

(*c*) Every person carrying on the business of an insurance company, a loan company or a trust company, as defined by this Act, or of an express company carrying on business on or in connection with a railway or steamboats or sailing or other vessels or of a land company, or of a loaning land corporation, or of a bank or a banker, or of any other financial business for a sum equal to seventy-five per centum of the said assessed value.

Rev. Stat., c. 272, s. 8, subs. 1, cl. *i*, amended.

(2) Clause *i* of the said subsection is amended by inserting after the article "a" in the first line the words "wholesale or," so that the said clause shall now read as follows:

(*i*) Every person carrying on the business of a wholesale or retail merchant in cities having a population of 50,000 or over for a sum equal to twenty-five per centum of the assessed value; in other cities and towns having a population of 10,000 or over for a sum equal to thirty per centum of the assessed value, and in all other municipalities for a sum equal to thirty-five per centum of the assessed value.

Explanatory Note

The present business assessment of wholesale merchants is seventy-five per centum of the assessed land value. These amendments reduce the rate to that of retail merchants, namely, twenty-five to thirty-five per centum.

BILL

An Act to amend The Assessment Act.

1st Reading

March 23rd, 1938

2nd Reading

3rd Reading

MR. GLASS

1938

No. 83

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Dairy Products.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83 1938

BILL

An Act respecting Dairy Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Dairy Products Act, 1938.*

Interpretation.

2. In this Act,—

"Cheese factory."

(*a*) "Cheese factory" shall mean any building or premises where milk from fifty or more cows is regularly brought for the purpose of being manufactured or separated into cheese or cheese and cream;

"Creamery."

(*b*) "Creamery" shall mean any building or premises where milk or cream from fifty or more cows is regularly brought for the purpose of being manufactured or separated into butter or butter and cream;

"Combined cheese factory and creamery."

(*c*) "Combined cheese factory and creamery" shall mean any building or premises where milk or milk and cream from fifty or more cows is regularly brought for the purpose of being manufactured or separated into cheese and butter or cheese, butter and cream;

"Dairy products."

(*d*) "Dairy products" shall mean products which are made wholly or chiefly from milk or cream, or both;

"Director."

(*e*) "Director" shall mean the Director of Dairying appointed under the provisions of this Act;

"Inspector."

(*f*) "Inspector" shall mean a person appointed as an inspector or instructor, or both, under the provisions of this Act;

"Milk condensery," "milk powder plant."

(*g*) "Milk condensary" and "milk powder plant" shall mean any building or premises where milk and cream is manufactured into concentrated dairy products;

"Milk separating plant."

(*h*) "Milk separating plant" shall mean any building or premises where whole milk is brought for the purpose of being separated into cream;

Explanatory Notes

General. This Bill replaces the present *Dairy Products Act* and also repeals *The Milk, Cheese and Butter Act* which has not been used for some years. The provisions of the present Act are rearranged, sections pertaining to the same subject matter being grouped. Provision is made for the making of regulations requiring milk to be handled in a sanitary manner and providing for the settlement of disputes arising in connection with the administration of the Act, and for the pasteurizing of cream manufactured into butter at a creamery.

Section 2 defines words used in the Bill.

"Minister." (*i*) "Minister" shall mean Minister of Agriculture for Ontario;

"Patron." (*j*) "Patron" shall mean a milk producer who sells milk or cream to a plant;

"Plant." (*k*) "Plant" shall include cheese factory, creamery, combined cheese factory and creamery, milk condensery, milk powder plant, and milk separating plant;

"Regulations." (*l*) "Regulations" shall mean regulations made under this Act.

Construction of plants. **3.**—(1) A building shall not be used, constructed or reconstructed for use as a plant unless the Minister has granted permission therefor in writing after receipt by him of a certificate from the Director that such a plant is reasonably necessary and desirable having regard to the sufficiency of water supply, sewage disposal facilities, the supply of milk and cream in the locality of the proposed plant and whether it is in the interests of the local milk producers and plants in operation.

Requirements of factory. (2) Every such building shall comply with the following requirements,—

(*a*) the foundation shall be substantial and shall be constructed of stone or concrete;

(*b*) the floors shall be constructed of concrete or suitable tile;

(*c*) the outlets for waste water shall be fitted with bell traps and such waste water shall be conducted to a septic tank, cesspool, underground drain or sewer in such manner that the building and surroundings shall be kept clean and sanitary;

(*d*) the interior walls, partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting;

(*e*) the ceilings of the workrooms shall be not less than ten feet from the floor;

(*f*) the containers for whey, buttermilk and skimmilk shall be capable of being emptied readily and of being kept clean and sanitary and such containers shall not be placed in or under the ground; and

SECTION 3.—(1) provides that a building shall not be constructed or reconstructed for use as a creamery, cheese factory or other type of plant (as defined in section 2) without the permission of the Minister which may be given when the Director of Dairying certifies that such a plant is reasonably necessary.

(2) regulates the construction of buildings used as plants.

(*g*) every window, outside door and weighing or receiving platform shall be constructed so as to prevent the entry of flies to the workrooms.

License to operate.

4.—(1) The Minister may upon the recommendation of the Director grant licenses for the operation of plants and may suspend or cancel any such license.

Minister may order closing of unsanitary premises.

(2) Upon the report of an inspector that any plant is not properly equipped for the collection or manufacture of milk, cream or dairy products having regard to the type of the plant or that unsanitary conditions exist in or about such plant, the Minister may suspend or cancel the license issued in respect of such plant and thereupon such plant shall not be operated until the Minister, upon the report of an inspector that the plant is properly equipped and in proper sanitary condition, directs that the suspension be lifted or that a new license be issued in respect of such plant.

Penalty for operating without a license.

5. Every person who operates a plant without a license issued under this Act shall, in addition to any other penalty provided by this Act, be liable to a penalty of $10 for every day during which such plant is so operated.

Collecting, storing and receiving stations.

6. No person shall own, operate, manage or have charge of any place other than a creamery, where cream is received or purchased for the purpose of being transported or forwarded to a creamery unless such place has been approved by the Director, and no person shall deliver cream to or accept cream from any such place unless such place has been so approved.

Director of Dairying, inspectors, instructors.

7. The Lieutenant-Governor in Council may appoint a Director of Dairying and such inspectors and instructors as he may deem necessary for the purposes of the administration of this Act.

Duty of inspector.

8.—(1) It shall be the duty of each inspector and he shall have authority,—

(*a*) to check the grading of milk and cream at any plant and to weigh, test and take such quantities of milk, cream or milk products as may be required for testing purposes;

(*b*) to examine and test samples of milk or cream kept for retesting at any plant;

(*c*) to examine the records and receipts of milk and cream and Babcock tests made at any plant and of the disposition thereof, and the weight of butter, cheese and other dairy products manufactured at any plant.

SECTION 4.—(1) provides for the issue of licenses to plants.

(2) provides for the suspension and cancellation of licenses issued to plants.

SECTION 5 provides penalties for the operation of a plant without a license therefor.

SECTION 6. Cream shall not be received at any place for reshipment to a creamery unless such place is approved by the Director of Dairying.

SECTION 7 provides for the appointment of the Director of Dairying as well as inspectors and instructors.

SECTION 8. The duties of inspectors are set out and a penalty is provided for obstructing inspectors.

Obstructing inspector.

(2) Every person who obstructs an inspector in the performance of his duty shall in addition to any other penalty provided be liable to a penalty of not less than $25 and not exceeding $100.

Inspection of plant, etc.

9.—(1) For the purposes of enforcing this Act and the regulations every inspector shall have free access and admission at all reasonable times to every plant and every railway station, express office, terminal warehouse and other premises in which milk or cream is collected for sale, manufactured into dairy products, produced, kept or stored, and every wagon, truck, train and other conveyance in which milk or cream is transported or conveyed, and may take such samples of milk and cream found in any such plant, premises or conveyance as he deems necessary.

Right to inspect books and records.

(2) Every inspector shall at all reasonable times have access to the books and records of every plant.

Basis of payment for milk and cream.

10.—(1) Subject to the regulations, all milk and cream received at a plant, including a plant where milk is collected for distribution and resale, shall be paid for,—

(*a*) on the basis of its fat content as determined by the Babcock test; or

(*b*) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

Fat content of milk.

(2) In determining the fat content of milk supplied to a plant, a measuring pipette having a capacity of 17.6 cubic centimetres shall be used.

Fat content of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing purposes shall be weighed into a graduated testing bottle suitable for use in the Babcock test, and shall weigh 9 or 18 grams.

Capacity to be marked on pipette and bottle.

(4) The capacity of every measuring pipette referred to in subsection 2 and the graduated scale upon every testing bottle referred to in subsection 3, shall be officially stamped or marked thereon under the authority of the Weights and Measures Branch of the Department of Trade and Commerce (Canada).

Regulations.

11. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

(*a*) subject to the provisions of section 4 providing for the licensing of and issue of licenses to plants of different classifications and for the renewal, suspen-

SECTION 9 gives power to inspectors to inspect premises, conveyances, books, etc., and to take samples of milk and cream.

SECTION 10 provides for the manner of paying for milk and cream sold to a plant (as defined) or to a distributing plant.

SECTION 11. The Lieutenant-Governor is authorized to make regulations, upon the recommendation of the Minister, in respect to the matters therein set out.

sion and cancellation of such licenses and for the fees payable upon the issue and renewal thereof;

(*b*) providing for the licensing of, and issue of licenses and permits to cheesemakers, buttermakers, milk and cream testers and milk and cream graders and for the renewal, suspension and cancellation of such licenses and for the fees payable upon the issue and renewal thereof;

(*c*) prescribing the qualifications required by the holders of certificates and permits;

(*d*) regulating the transportation and hours of transportation of milk and cream to plants;

(*e*) regulating the places where cream may be received or purchased for the purpose of being transported or forwarded to creameries;

(*f*) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants, the manner of payment and the payment of premiums and differentials;

(*g*) providing for the pasteurizing of all cream received at a creamery before being used in the manufacture of butter;

(*h*) regulating the methods of manufacturing dairy products in plants;

(*i*) requiring the use of clean and sanitary cans, pails, strainers, cream separators, cooling equipment, milk houses, stables and other utensils, equipment and buildings by patrons;

(*j*) regulating the use of cans used for the delivery of milk or cream to a plant and requiring the pasteurization of whey or skimmilk placed in such cans;

(*k*) prescribing the method of construction and location of plants and machinery and other equipment used therein;

(*l*) preventing the sale or delivery to plants of milk and cream from farms where the health of the cattle, the premises, utensils or other equipment is in the opinion of an inspector or of the Director unsatisfactory;

(*m*) providing for the settlement of disputes in connection with the weighing, grading, sampling and testing of milk and cream;

(*n*) prescribing the powers and duties of the Director and the inspectors;

(*o*) generally for the better carrying out of the provisions of this Act.

Penalty.

12.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty of not less than $25 and not exceeding $200.

Application of Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., cc. 304, 303, repealed.

13. *The Dairy Products Act*, being chapter 304 of the Revised Statutes of Ontario, 1937, and *The Milk, Cheese and Butter Act*, being chapter 303 of the Revised Statutes of Ontario, 1937, are repealed.

SECTION 12. This is the general penalty section and provides for the enforcement of penalties under *The Summary Convictions Act.*

SECTION 13 repeals the present *Dairy Products Act* and *The Milk, Cheese and Butter Act.*

No. 83

BILL

An Act respecting Dairy Products.

1st Reading

March 24th, 1938

2nd Reading

3rd Reading

MR. DEWAN

1938

No. 83

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Dairy Products.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83 1938

BILL

An Act respecting Dairy Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Dairy Products Act, 1938*.

Interpretation.

2. In this Act,—

"Cheese factory."

(*a*) "Cheese factory" shall mean any building or premises where milk from fifty or more cows is regularly brought for the purpose of being manufactured or separated into cheese or cheese and cream;

"Creamery."

(*b*) "Creamery" shall mean any building or premises where milk or cream from fifty or more cows is regularly brought for the purpose of being manufactured or separated into butter or butter and cream;

"Combined cheese factory and creamery."

(*c*) "Combined cheese factory and creamery" shall mean any building or premises where milk or milk and cream from fifty or more cows is regularly brought for the purpose of being manufactured or separated into cheese and butter or cheese, butter and cream;

"Dairy products."

(*d*) "Dairy products" shall mean products which are made wholly or chiefly from milk or cream, or both;

"Director."

(*e*) "Director" shall mean the Director of Dairying appointed under the provisions of this Act;

"Inspector."

(*f*) "Inspector" shall mean a person appointed as an inspector or instructor, or both, under the provisions of this Act;

"Milk condensery," "milk powder plant."

(*g*) "Milk condensary" and "milk powder plant" shall mean any building or premises where milk and cream is manufactured into concentrated dairy products;

"Milk separating plant."

(*h*) "Milk separating plant" shall mean any building or premises where whole milk is brought for the purpose of being separated into cream;

(*i*) "Minister" shall mean Minister of Agriculture for Ontario; "Minister."

(*j*) "Patron" shall mean a milk producer who sells milk or cream to a plant; "Patron."

(*k*) "Plant" shall include cheese factory, creamery, combined cheese factory and creamery, milk condensery, milk powder plant, and milk separating plant; "Plant."

(*l*) "Regulations" shall mean regulations made under this Act. "Regulations."

3.—(1) A building shall not be used, constructed or reconstructed for use as a plant unless the Minister has granted permission therefor in writing after receipt by him of a certificate from the Director that such a plant is reasonably necessary and desirable having regard to the sufficiency of water supply, sewage disposal facilities, the supply of milk and cream in the locality of the proposed plant and whether it is in the interests of the local milk producers and plants in operation. Construction of plants.

(2) Every such building shall comply with the following requirements,— Requirements of factory.

(*a*) the foundation shall be substantial and shall be constructed of stone or concrete;

(*b*) the floors shall be constructed of concrete or suitable tile;

(*c*) the outlets for waste water shall be fitted with bell traps and such waste water shall be conducted to a septic tank, cesspool, underground drain or sewer in such manner that the building and surroundings shall be kept clean and sanitary;

(*d*) the interior walls, partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting;

(*e*) the ceilings of the workrooms shall be not less than ten feet from the floor;

(*f*) the containers for whey, buttermilk and skimmilk shall be capable of being emptied readily and of being kept clean and sanitary and such containers shall not be placed in or under the ground; and

(*g*) every window, outside door and weighing or receiving platform shall be constructed so as to prevent the entry of flies to the workrooms.

License to operate.

4.—(1) The Minister may upon the recommendation of the Director grant licenses for the operation of plants and may suspend or cancel any such license.

Minister may order closing of unsanitary premises.

(2) Upon the report of an inspector that any plant is not properly equipped for the collection or manufacture of milk, cream or dairy products having regard to the type of the plant or that unsanitary conditions exist in or about such plant, the Minister may suspend or cancel the license issued in respect of such plant and thereupon such plant shall not be operated until the Minister, upon the report of an inspector that the plant is properly equipped and in proper sanitary condition, directs that the suspension be lifted or that a new license be issued in respect of such plant.

Penalty for operating without a license.

5. Every person who operates a plant without a license issued under this Act shall, in addition to any other penalty provided by this Act, be liable to a penalty of $10 for every day during which such plant is so operated.

Collecting, storing and receiving stations.

6. No person shall own, operate, manage or have charge of any place other than a creamery, where cream is received or purchased for the purpose of being transported or forwarded to a creamery unless such place has been approved by the Director, and no person shall deliver cream to or accept cream from any such place unless such place has been so approved.

Director of Dairying, inspectors, instructors.

7. The Lieutenant-Governor in Council may appoint a Director of Dairying and such inspectors and instructors as he may deem necessary for the purposes of the administration of this Act.

Duty of inspector.

8.—(1) It shall be the duty of each inspector and he shall have authority,—

(*a*) to check the grading of milk and cream at any plant and to weigh, test and take such quantities of milk, cream or milk products as may be required for testing purposes;

(*b*) to examine and test samples of milk or cream kept for retesting at any plant;

(*c*) to examine the records and receipts of milk and cream and Babcock tests made at any plant and of the disposition thereof, and the weight of butter, cheese and other dairy products manufactured at any plant.

(2) Every person who obstructs an inspector in the performance of his duty shall in addition to any other penalty provided be liable to a penalty of not less than $25 and not exceeding $100. Obstructing inspector.

9.—(1) For the purposes of enforcing this Act and the regulations every inspector shall have free access and admission at all reasonable times to every plant and every railway station, express office, terminal warehouse and other premises in which milk or cream is collected for sale, manufactured into dairy products, produced, kept or stored, and every wagon, truck, train and other conveyance in which milk or cream is transported or conveyed, and may take such samples of milk and cream found in any such plant, premises or conveyance as he deems necessary. Inspection of plant, etc.

(2) Every inspector shall at all reasonable times have access to the books and records of every plant. Right to inspect books and records.

10.—(1) Subject to the regulations, all milk and cream received at a plant, including a plant where milk is collected for distribution and resale, shall be paid for,— Basis of payment for milk and cream.

(*a*) on the basis of its fat content as determined by the Babcock test; or

(*b*) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

(2) In determining the fat content of milk supplied to a plant, a measuring pipette having a capacity of 17.6 cubic centimetres shall be used. Fat content of milk.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing purposes shall be weighed into a graduated testing bottle suitable for use in the Babcock test, and shall weigh 9 or 18 grams. Fat content of cream.

(4) The capacity of every measuring pipette referred to in subsection 2 and the graduated scale upon every testing bottle referred to in subsection 3, shall be officially stamped or marked thereon under the authority of the Weights and Measures Branch of the Department of Trade and Commerce (Canada). Capacity to be marked on pipette and bottle.

11. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,— Regulations.

(*a*) subject to the provisions of section 4 providing for the licensing of and issue of licenses to plants of different classifications and for the renewal, suspen-

sion and cancellation of such licenses and for the fees payable upon the issue and renewal thereof;

(*b*) providing for the licensing of, and issue of licenses and permits to cheesemakers, buttermakers, milk and cream testers and milk and cream graders and for the renewal, suspension and cancellation of such licenses and for the fees payable upon the issue and renewal thereof;

(*c*) prescribing the qualifications required by the holders of certificates and permits;

(*d*) regulating the transportation and hours of transportation of milk and cream to plants;

(*e*) regulating the places where cream may be received or purchased for the purpose of being transported or forwarded to creameries;

(*f*) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants, the manner of payment and the payment of premiums and differentials;

(*g*) providing for the pasteurizing of all cream received at a creamery before being used in the manufacture of butter;

(*h*) regulating the methods of manufacturing dairy products in plants;

(*i*) requiring the use of clean and sanitary cans, pails, strainers, cream separators, cooling equipment, milk houses, stables and other utensils, equipment and buildings by patrons;

(*j*) regulating the use of cans used for the delivery of milk or cream to a plant and requiring the pasteurization of whey or skimmilk placed in such cans;

(*k*) prescribing the method of construction and location of plants and machinery and other equipment used therein;

(*l*) preventing the sale or delivery to plants of milk and cream from farms where the health of the cattle, the premises, utensils or other equipment is in the opinion of an inspector or of the Director unsatisfactory;

(*m*) providing for the settlement of disputes in connection with the weighing, grading, sampling and testing of milk and cream;

(*n*) prescribing the powers and duties of the Director and the inspectors;

(*o*) generally for the better carrying out of the provisions of this Act.

Penalty

12.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty of not less than $25 and not exceeding $200.

Application of Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., cc. 304, 303, repealed.

13. *The Dairy Products Act*, being chapter 304 of the Revised Statutes of Ontario, 1937, and *The Milk, Cheese and Butter Act*, being chapter 303 of the Revised Statutes of Ontario, 1937, are repealed.

BILL

An Act respecting Dairy Products.

1st Reading

March 24th, 1938

2nd Reading

March 30th, 1938

3rd Reading

April 7th, 1938

MR. DEWAN

No. 84

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The School Law Amendment Act, 1938.

MR. SIMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84 1938

BILL

The School Law Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1938.*

Rev. Stat., c. 361, s. 3, subs. 1, cl. *e*, amended.

2. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* is amended by striking out the words "shall appoint three additional members" in the sixth and seventh lines and inserting in lieu thereof the words "may appoint one additional member," so that the said clause shall now read as follows:

Composition of municipal boards.

(*e*) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint one additional member of the board as authorized by *The High Schools Act.*

Rev. Stat., c. 360.

Rev. Stat., c. 359, s. 1, cl. *b*, amended.

3.—(1) Clause *b* of section 1 of *The Continuation Schools Act* is amended by inserting after the word "not" in the third line the words "within a high school district or," and by inserting after the word "established" in the fourth line the words "or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in grade A or grade B continuation school sections or high school districts, or pupils who reside or whose parents or guardians reside within grade A or grade B continuation school sections but do not contribute to the maintenance of the continuation schools in such sections," so that the said clause shall now read as follows:

Explanatory Notes

Section 2. Since the county equivalent of the legislative grant is no longer paid to boards of education, county representation upon such boards is made optional and reduced from three members to one.

Section 3.—(1) The definition of "county pupils" in *The Continuation Schools Act* is amended to include pupils who are residents of a continuation school section but who, or whose parents or guardians, do not support the continuation school in such section.

"County pupils."

(*b*) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in grade A or grade B continuation school sections or high school districts, or pupils who reside or whose parents or guardians reside within grade A or grade B continuation school sections but do not contribute to the maintenance of the continuation schools in such sections, but shall not include resident pupils.

Rev. Stat., c. 359, s. 1, cl. *c*, amended.

(2) Clause *c* of the said section 1 is amended by inserting after the word "board" in the tenth line the words "fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the continuation school section," so that the said clause shall now read as follows:

"Maintenance."

(*c*) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the continuation school section; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat., c. 359, s. 1, amended.

(3) The said section 1 is further amended by adding thereto the following clause:

"Non-resident pupils."

(*ee*) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined.

(2) The definition of "maintenance" in the same Act is amended to include the cost of education of pupils resident in the section but who attend a school outside the section which they may attend as resident pupils.

(3) "Non-resident pupils" is defined.

Rev. Stat., c. 359, s. 5, subs. 1, cl. *b*, amended.

4.—(1) Clause *b* of subsection 1 of section 5 of *The Continuation Schools Act* is amended by striking out the words "either as a county pupil or otherwise" in the second and third lines, so that the said clause shall now read as follows:

Certain pupils not liable for fees.

(*b*) a pupil whose cost of education is payable under the provisions of section 8.

Rev. Stat., c. 359, s. 5, amended.

(2) The said section 5 is further amended by adding thereto the following subsection:

Fees,—when payable.

(1*a*) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or high school district attends any grade A or grade B continuation school situated in a municipality within the county, or a grade A or grade B continuation school in a city or separated town or adjacent county, which is open to county pupils from the county in which he resides because such grade A or grade B continuation school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school in the section in which he resides is not thus accessible; or

(ii) provides for such pupil a course of study which is not offered in the school in his own section,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the continuation school section where such pupil attends school and such fees shall be calculated in accordance with the provisions of sections 36 and 38 of *The High Schools Act*.

Rev. Stat., c. 360.

Rev. Stat., c. 359, s. 5, subs. 2, amended.

(3) Subsection 2 of the said section 5 is amended by striking out the word and figure "subsection 1" in the first line and inserting in lieu thereof the words and figures "subsections 1 and 1*a*" so that the said subsection shall now read as follows:

Fees of continuation school pupils.

(2) Pupils other than those mentioned in subsections 1 and 1*a* shall pay such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in the continuation school.

Rev. Stat., c. 359, s. 6, amended.

5. Section 6 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

SECTION 4.—(1) and (2) The amendment renders the section consistent with other provisions of *The Continuation Schools Act*. It provides that a resident pupil shall not pay fees and makes provision for the payment of fees in respect of him by the section in which he resides where he attends a school outside the section which he has a right to attend as a resident pupil.

(3) Regulates the fees payable by and in respect of non-resident pupils.

SECTION 5. Fixes a maximum amount payable under agreements in respect of the cost of education of county pupils.

Amount payable by municipality outside continuation school section.

(6) Notwithstanding the terms of any agreement entered into under the provisions of subsection 1, the sums payable to a continuation school section by a municipality or school section outside the continuation school section shall not be greater than the amount by which the sum to be paid by the said municipality or school section under the terms of the said agreement exceeds the sum paid by the county to the board of the said continuation school for the cost of education of county pupils who are residents of such municipality or school section.

Rev. Stat., c. 359, s. 7, amended.

6.—(1) Section 7 of *The Continuation Schools Act* is amended by striking out the words "or maintained" in the fourth line, so that the first subsection of the said section shall now read as follows:

Where continuation schools not to be established.

Rev. Stat., c. 360.

(1) A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established in a city or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act.

Rev. Stat., c. 359, s. 7, amended.

(2) The said section 7 is further amended by adding thereto the following subsection:

Continuation school in city or separated town.

(2) A continuation school shall not be maintained in a city or separated town unless such continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister, pending the establishment of a high school in accordance with section 7 of *The High Schools Act*.

Rev. Stat., c. 360.

Rev. Stat., c. 359, s. 9, amended.

7. Section 9 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

Grant for agricultural department.

(4*a*) Where an agricultural department is established by the Minister in a grade A continuation school the council of the county in which the grade A continuation school is situate shall on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of $500, which shall be applied by the board to the purposes of such department.

Rev. Stat., c. 359, s. 10, amended.

8.—(1) Section 10 of *The Continuation Schools Act* is amended by striking out the words "the continuation school section" in the third and fourth lines and inserting in lieu thereof the words "grade A and grade B continuation school sections," and by striking out all the words after the word "municipality"

SECTION 6. The amendment and additional subsection permits a continuation school which has been established prior to the date when all separated towns and cities were made high school districts, to continue to be maintained with the approval of the Minister.

SECTION 7. The amendment renders *The Continuation Schools Act* uniform with *The High Schools Act* in respect to county grants where an agricultural department is established.

SECTION 8.—(1) The amendment eliminates grade C continuation schools from the operation of the section and repeals words which are not applicable under the present continuation schools system.

in the fifth line, so that the first subsection of the said section shall now read as follows:

Right of exemption of contributing municipalities.

(1) Where a municipality is called upon to pay a part of the cost of education of county pupils under section 8, all parts of such municipalities as shall be included in grade A and grade B continuation school sections shall be exempt from paying any part of such cost paid by the municipality.

Rev. Stat., c. 359, s. 10, amended.

(2) The said section 10 is further amended by adding thereto the following subsection:

County levy.

(2) Notwithstanding the provisions of subsection 1, the county levy shall include a levy upon and against the whole rateable property of ratepayers who reside in grade A or grade B continuation school sections, but against whose property no levy for maintenance of the continuation schools in such continuation school section is made.

Rev. Stat., c. 4, s. 17, re-enacted.

9. Section 17 of *The Haliburton Act* is repealed and the following substituted therefor:

Liability of Provisional County of Haliburton.

Rev. Stat., cc. 359, 360, 369.

17. The liability of the Provisional County of Haliburton for the cost of education of county pupils within the meaning of *The Continuation Schools Act*, *The High Schools Act* and *The Vocational Education Act*, where such cost exceeds the continuation school and high school grants under *The Continuation Schools Act* and *The High Schools Act* shall be payable one-third by the county and two-thirds out of the provincial grants for secondary schools upon the requisition of the Minister of Education.

Rev. Stat., c. 360, s. 1, subs. 1, cl. *c*, amended.

10.—(1) Clause *c* of subsection 1 of section 1 of *The High Schools Act* is amended by inserting after the word "district" in the third line the words "or grade A or grade B continuation school section, or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections," so that the said clause shall now read as follows:

"County pupils."

(*c*) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district or grade A or grade B continuation school section, or who are assessed or whose parents or guardians are assessed for an amount equal to the average assess-

(2) The new subsection gives power to a county to levy the county school rate against ratepayers residing in a grade A or grade B continuation school section but who do not support the continuation school.

SECTION 9. The amendment renders *The Haliburton Act* consistent with the present provisions of *The High Schools Act* and *The Continuation Schools Act*.

SECTION 10. The definitions of "county pupils" and "maintenance" in *The High Schools Act* are rendered uniform and consistent with the definitions contained in *The Continuation Schools Act*.

ment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, but shall not include resident pupils.

Rev. Stat., c. 360, s. 1, subs. 1, cl. *g*, amended.

(2) Clause *g* of subsection 1 of the said section 1 is amended by inserting after the word "board" in the tenth line the words "fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district," so that the said clause shall now read as follows:

"Maintenance."

(*g*) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat., c. 360, s. 6, amended.

11. Section 6 of *The High Schools Act* is amended by adding thereto the following subsection:

By-law establishing high school districts.

(6) A by-law establishing high school districts passed in accordance with the provisions of subsections 1 and 4 shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein.

Rev. Stat., c. 360, s. 7, subs. 1, amended.

12. Subsection 1 of section 7 of *The High Schools Act* is amended by adding at the end thereof the words "unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister," so that the said subsection shall now read as follows:

SECTION 11. It is provided that by-laws establishing high school districts shall come into force on the 1st day of January next following unless they contain a provision to the contrary. This is to afford the board ample opportunity to prepare proper estimates.

SECTION 12. This section is complementary to section 6 of the Bill.

Establishment of high school district.

(1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister.

Rev. Stat., c. 360, s. 13, subs. 1, amended.

13.—(1) Subsection 1 of section 13 of *The High Schools Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the word "one," by striking out the word "shall" in the third line and inserting in lieu thereof the word "may," and by striking out the words "two of whom" in the third and fourth lines and inserting in lieu thereof the word "and," so that the said subsection shall now read as follows:

Appointment of trustees.

(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, one of such trustees may be appointed by the county council and may reside in the county outside the district, and additional trustees shall be appointed as follows,—

(*a*) where the district comprises one municipality the council thereof shall appoint three additional trustees;

(*b*) where the district comprises two municipalities each council shall appoint two additional trustees; and

(*c*) where a district comprises more than two municipalities each council shall appoint one additional trustee.

Rev. Stat., c. 360, s. 13, subs. 3, amended.

(2) Subsection 3 of the said section 13 is amended by striking out the words "One of the trustees" in the first line and inserting in lieu thereof the words "The trustees," so that the said subsection shall now read as follows:

Annual retirement of trustees.

(3) The trustees appointed by the county council and one trustee appointed by each other council shall retire each year.

Rev. Stat., c. 360, s. 17, subs. 1, amended.

14. Subsection 1 of section 17 of *The High Schools Act* is amended by striking out the words "three additional trustees" in the fifth and sixth lines and inserting in lieu thereof the words "one additional trustee," so that the said subsection shall now read as follows:

Admission of county pupils to city or town school.

(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk

SECTION 13. This amendment is similar to that contained in section 2 of the Bill.

SECTIONS 14 AND 15. These amendments are complementary to those contained in section 13.

that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint one additional trustee as provided by subsection 1 of section 13 for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school.

Rev. Stat., c. 360, s. 21, subs. 3, re-enacted.

15. Subsection 3 of section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Where separated town is reunited to county.

(3) Where a separated town is reunited to the county one of the two trustees whose term of office shall first expire, to be selected by lot, shall retire as soon as the county council has appointed one trustee, and the remaining five trustees, together with the one trustee to be appointed by the county council, shall then constitute the board of the high school district.

Rev. Stat., c. 360, s. 24, cl. *h*, amended.

16.—(1) Clause *h* of section 24 of *The High Schools Act* is amended by inserting after the word "pupils" in the second line the words "and with the approval of the Minister, of county pupils," so that the said clause shall now read as follows:

Transportation of pupils.

(*h*) to provide, where the board deems it expedient, for the transportation of resident pupils, and with the approval of the Minister, of county pupils, attending high school and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school.

Rev. Stat., c. 360, s. 24, cl. *l*, amended.

(2) Clause *l* of the said section 24 is amended by inserting after the word "year" in the seventh line the words "and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the high school district but which they may attend as resident pupils," and by adding at the end the words "provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school,

SECTION 16.—(1) The amendment permits high school boards to pay the cost of transportation of county pupils, with the approval of the Minister.

(2) The amendment,—

(i) permits the fees of resident pupils attending schools outside the district which they may attend as resident pupils to be included in the estimates as maintenance;

(ii) permits sums up to $5,000 for permanent improvements to be included in the estimates in municipalities which are unable to obtain the approval of the Municipal Board to the issue of debentures for permanent school improvements.

or schools, may include in its estimates, with the approval of the municipal council concerned, a sum not to exceed $5,000 for permanent improvements," so that the said clause shall now read as follows:

Estimates to be submitted to municipal council.

(*l*) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the high school district but which they may attend as resident pupils, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and such estimates may include an additional sum not exceeding $500 for any one school as may be deemed expedient for permanent improvements to be made during the same period; provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school, or schools, may include in its estimates, with the approval of the municipal council concerned, a sum not to exceed $5,000 for permanent improvements.

Rev. Stat., c. 59.

Rev. Stat., c. 360, s. 25, amended.

17. Section 25 of *The High Schools Act* is amended by adding thereto the following clause:

Travelling expenses.

(*dd*) pay the travelling expenses of trustees and officers of the board incurred by the authority of the board.

Rev. Stat. c. 360 s. 26 subss. 3–6 repealed.

18. Subsections 3 to 6 of section 26 of *The High Schools Act* are repealed.

Rev. Stat. c. 360 s. 36 subs. 1 cl. *a*, amended.

19.—(1) Clause *a* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "and" in the second line the words "subject to the provisions of the proviso contained in clause *l* of section 24," so that the said clause shall now read as follows:

Cost of education of county pupils in high school district,—how calculated.

(*a*) First, the total gross current expenditures for the calendar year for maintenance of the school and,

SECTION 17. The new provision is similar to one which has been in *The Public Schools Act* for many years and permits the payment of the travelling expenses of trustees and officers of the board.

SECTION 18. Since rebates of county levies to high school districts are no longer paid as there are no county levies, the subsections which are being repealed no longer apply.

SECTION 19.—(1) The section is complementary to section 16 (2) of this Bill.

subject to the provisions of the proviso contained in clause *l* of section 24, for permanent improvements not exceeding $500 for any one school for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school shall be ascertained.

Rev. Stat. c. 360 s. 36 subs. 1 cl. *b*, amended.

(2) Clause *b* of subsection 1 of the said section 36 is amended by inserting after the word "fees" in the second line the words "other than those raised by taxation," so that the said clause shall now read as follows:

Idem.

(*b*) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees other than those raised by taxation, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained.

Rev. Stat. c. 360 s. 36 subs. 2 re-enacted.

(3) Subsection 2 of the said section 36 is repealed and the following substituted therefor:

County pupils attending high school in city or town.

(2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county, the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1.

Rev. Stat., c. 360 amended.

20. *The High Schools Act* is amended by adding thereto the following section:

Portion of cost to be borne by public school ratepayers.

37*a*. Notwithstanding any of the provisions of sections 34, 35 or 37, the ratepayers of a public school section which under agreement with the board of a high school or a grade A or grade B continuation school is paying a share of the cost of education of pupils resident in such public school section who attend a high school

(2) Clarifies the meaning of the clause amended.

(3) Section 36 (2) of the Act is re-enacted to render it consistent with other sections of *The High Schools Act* amended by this Bill.

SECTION 20. The amendment provides for the case where a school section is under agreement with a high school or grade A or grade B continuation school board for the payment of all or part of the cost of pupils resident within the section who attend any such high or continuation school.

or a grade A or grade B continuation school, shall pay only that part of the county levy for the cost of education of county pupils which is in excess of the levy on the said public school section which is required under the said agreement.

Rev. Stat. c. 360 s. 42 amended.

21. Section 42 of *The High Schools Act* is amended by striking out the words "the maintenance of the high school" in the fourth and fifth lines and inserting in lieu thereof the word "maintenance," and by striking out the words "if required by the board for permanent improvements" in the seventh and eighth lines and inserting in lieu thereof the words "and not exceeding $5,000 in the cases provided for in the proviso contained in clause *l* of section 24 if required by the board for permanent improvements and the amount necessary to pay the fees required by this Act to be paid in respect of resident pupils of the high school district attending high schools or grade A or grade B continuation schools outside the high school district," so that the said section shall now read as follows:

Councils to levy rates in high school districts.

42. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for maintenance in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding $500 in any one year and not exceeding $5,000 in the cases provided for in the proviso contained in clause *l* of section 24 if required by the board for permanent improvements and the amount necessary to pay the fees required by this Act to be paid in respect of resident pupils of the high school district attending high schools or grade A or grade B continuation schools outside the high school district, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils.

Rev. Stat. c. 360 s. 43, subs. 1, amended.

22. Subsection 1 of section 43 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of clause *l* of section 24," so that the said subsection shall now read as follows:

Grants for permanent improvements.

(1) Subject to the provisions of clause *l* of section 24 where the sum required by a board for permanent improvements exceed $500 for any one school, the

SECTIONS 21 AND 22. Sections 42 and 43 of the Act are amended to reconcile them with other sections of *The High Schools Act* amended by this Bill.

same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Rev. Stat., c. 360, s. 44, subs. 1, amended.

23.—(1) Subsection 1 of section 44 of *The High Schools Act* is amended by striking out the words "shall be apportioned, except as hereinafter provided" in the sixth and seventh lines, and inserting in lieu thereof the words "shall be by a general county levy and shall be apportioned, except as provided in subsection 2," so that the said subsection shall now read as follows:

Council may raise further sum for high school purposes.

(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be by a general county levy and shall be apportioned, except as provided in subsection 2, among all the high schools of the county in proportion to the liability of the county to each board.

Rev. Stat., c. 360, s. 44, amended.

(2) The said section 44 is further amended by adding thereto the following subsection:

Moneys owing prior to January, 1937.

(3) In addition to any sums which the council of the county is required or permitted to pay under the provisions of this Act, the council may raise by a general county levy such further sums as may be owing by the county to the high and continuation school boards within the county on account of the cost of education of county pupils incurred prior to the 1st day of January, 1937, and may pay the sums so raised to such boards.

Rev. Stat., c. 360, s. 47, subs. 1, re-enacted.

24.—(1) Subsection 1 of section 47 of *The High Schools Act* is repealed and the following substituted therefor:

When schools to be free.

(1) No fees shall be payable by or in respect of a pupil attending a high school who is,—

(*a*) a pupil who resides or whose parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers in the high school district by the board of which the school is established or maintained;

SECTION 23—(1). The amendment makes clear that any sums to be paid by a county to high school boards shall be raised by a general levy.

(2) Makes provision for the raising of money by a county to take care of amounts which were owing to boards of high school districts and continuation school sections prior to the date upon which the present system of payments for high school and continuation school payments came into force.

SECTION 24.—(1, 2) This section incorporates into *The High Schools Act* provisions similar to those enacted in *The Continuation Schools Act* by subsections 1, 2 and 3 of section 4 of this Bill.

(*b*) a pupil whose cost of education is payable under the provisions of sections 35, 36, 37 and 38.

When fees may be charged.

(1*a*) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or a high school district attends any high school situated in a high school district within the county, or a high school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides because such high school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school or high school in the section or district in which he resides is not thus accessible; or

(ii) provides for such pupil a course of study which is not offered in the school in his own section or district;

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the high school district where such pupil attends school and the amount of such fees shall be calculated in accordance with the provisions of sections 36 and 38.

Rev. Stat., c. 360, s. 47, subs. 2, amended.

(2) Subsection 2 of the said section 47 is amended by inserting after the word "than" in the first line the words "county pupils and," and by striking out the word and figure "subsection 1" in the said first line and inserting in lieu thereof the words and figures "subsections 1 and 1*a*", so that the said subsection shall now read as follows:

When fees may be charged.

(2) Pupils other than county pupils and the pupils referred to in subsections 1 and 1*a* attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school.

Rev. Stat., c. 360, s. 47, subs. 4, repealed.

(3) Subsection 4 of the said section 47 is repealed.

Rev. Stat., c. 360, s. 47, subs. 5, amended.

(4) Subsection 5 of the said section 47 is amended by striking out the words "legally imposed upon" in the sixth line and inserting in lieu thereof the words "payable in respect of," and by striking out the words "collegiate institute or vocational school" in the eighth line so that the said subsection shall now read as follows:

(3) A subsection no longer applicable is repealed.

(4) Vocational schools are eliminated from the operation of the section as an appropriate provision is incorporated in *The Vocational Education Act* by this Bill. Collegiate institutes are no longer mentioned as they are included in the definition of high school.

Agreements for payment of fees of non-resident pupils.

(5) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be payable in respect of pupils from such county or municipality within the county attending a high school under the control of such board of education or high school board.

Rev. Stat., c. 360, s. 48, amended.

25. Section 48 of *The High Schools Act* is amended by striking out the words "and a resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein," in the third, fourth, fifth and sixth lines, and inserting in lieu thereof the words "or is assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, and a resident pupil shall have the right to attend any high school or grade A or grade B continuation school indicated in clause *m* of subsection 1 of section 1," so that the said section shall now read as follows:

Which school pupils may attend.

48. A county pupil shall have the right to attend any high school in the county in which he or his parent or guardian resides, or is assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, and a resident pupil shall have the right to attend any high school or grade A or grade B continuation school indicated in clause *m* of subsection 1 of section 1, and a non-resident pupil may attend any high school at the discretion of the board.

Rev. Stat., c. 360, s. 59, subs. 1, amended.

26.—(1) Subsection 1 of section 59 of *The High Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

SECTION 25. The amendment renders section 48 of *The High Schools Act* consistent with the extended definition of resident pupils.

SECTION 26. The amendment eliminates the necessity of bringing pupils back to school prior to Labour Day.

Rev. Stat., c. 360, s. 59, subs. 2, amended.

(2) Subsection 2 of the said section 59 is amended by striking out the figure and words "When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday" in the first and second lines, so that the said subsection shall now read as follows:

When opening and closing days Friday or Monday.

(2) When the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday.

Rev. Stat., c. 360, s. 64, amended.

27. Section 64 of *The High Schools Act* is amended by adding at the end thereof the following words "provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated," so that the said section shall now read as follows:

Seat vacated by conviction for crime, etc.

64. If a trustee is convicted of an indictable offence, or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy; provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated.

Rev. Stat., c. 357, s. 6, subs. 1, amended.

28.—(1) Subsection 1 of section 6 of *The Public Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

SECTION 27. The section takes care of the case where a trustee convicted of an indictable offence appeals from the conviction.

SECTION 28. This amendment to *The Public Schools Act* is the same as the amendment to *The High Schools Act* contained in section 26.

Rev. Stat., c. 357, s. 6, subs. 2, amended.

(2) Subsection 2 of the said section 6 is amended by striking out the words and figure "When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday, and" in the first and second lines, so that the said subsection shall now read as follows:

When opening and closing days Friday or Monday.

(2) When the 3rd day of January is a Friday, the schools shall not be opened until the following Monday, and when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat., c. 357, s. 29, amended.

29. Section 29 of *The Public Schools Act* is amended by adding thereto the following subsection:

Disposal of school site, school house, etc.

(4) In the case of an urban municipality or school section where the school site, school house or other school property is no longer required, in consequence of there being no public school supporters, such school site, school house or other school property shall be disposed of in such manner as the Minister may decide, and the proceeds shall be applied to public school purposes as determined by the Minister.

Rev. Stat., c. 357, s. 67, subs. 6, amended.

30. Subsection 6 of section 67 of *The Public Schools Act* is amended by striking out the words "at the proper time" in the first and second lines and inserting in lieu thereof the words "on the proper date," so that the said subsection shall now read as follows:

Meeting to be called in default of first or annual meeting.

(6) When any school meeting has not been held on the proper date the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice, to be posted up in at least three of the most public places in the school section, and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Rev. Stat., c. 357, s. 86, subs. 1, amended.

31. Subsection 1 of section 86 of *The Public Schools Act* is amended by inserting after the word "reports" in the second line the words "in writing to the parent and to the secretary of each board affected," so that the said subsection shall now read as follows:

Admission of non-resident pupils.

(1) The board shall admit to the school any non-resident pupil if the inspector reports in writing to the parent and to the secretary of each board affected that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides.

SECTION 29. The section provides for the disposal of school property where the school is no longer used.

SECTION 30. The amendment clarifies the meaning of the section.

SECTION 31. The amendment requires the report mentioned in subsection 1 of section 86 of *The Public Schools Act* to be in writing and requires copies to be furnished to the parent and the secretary of each board affected.

Rev. Stat., c. 357, s. 111, subs. 2, amended.

32. Subsection 2 of section 111 of *The Public Schools Act* is amended by inserting after the word "classes" in the sixth line the words "in schools not situated in high school districts or grade A or grade B continuation school sections," so that the said subsection shall now read as follows:

County to raise equivalent to legislative grant for fifth classes.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes in schools not situated in high school districts or grade A or grade B continuation school sections, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Rev. Stat., c. 357, s. 138, amended.

33. Section 138 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated," so that the said section shall now read as follows:

Seat vacated by conviction for crime, etc.

138. If a trustee is convicted of any indictable offence or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall *ipso facto* vacate his seat, and subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election; provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated.

Sums to be levied in years 1938 and 1939.

34. For the years 1938 and 1939 the sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 112 of *The Public Schools Act* shall be ninety per centum only of the sums indicated in such subsections.

SECTION 32. The amendment relieves the high school districts and continuation school sections from paying any part of the county levy for the cost of pupils of fifth classes where the district or section has provided the same or similar courses in the high school or continuation school in the districts or sections.

SECTION 33. This amendment to *The Public Schools Act* is the same as the amendment to *The High Schools Act* contained in section 27 of this Bill.

SECTION 34. The township levy on account of teachers' salaries has been increased from eighty per centum of the amount required by section 112 of *The Public Schools Act* to ninety per centum for the years 1938 and 1939.

Rev. Stat., c. 362, s. 93, subs. 1, amended.

35.—(1) Subsection 1 of section 93 of *The Separate Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Rev. Stat. c. 362 s. 93 subs. 2 amended.

(2) Subsection 2 of the said section 93 is amended by striking out the words and figure "When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday," in the first and second lines, so that the said subsection shall now read as follows:

When opening or closing days Friday or Monday.

(2) When the 3rd day of January is a Friday the schools shall not be opened until the following Monday, when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat. c. 366 s. 16 subs. 1 re-enacted.

36. Subsection 1 of section 16 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Commission on claims.

(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of seven members who shall be appointed and elected as follows:

(*a*) An actuary and three other persons appointed by the Minister triennially;

(*b*) Three teachers or inspectors who are members of the Ontario Educational Association and contributors to the Fund each of whom shall hold office for a period of three years and shall be elected at the annual meeting of such Association by the teachers and inspectors present and qualified to vote as contributors to the Fund, one of whom shall be elected from and by the secondary school members in 1938, one from and by the public school male members in 1939, and one from and by the public school female members in 1940.

SECTION 35. This amendment is similar to the amendment to *The High Schools Act* contained in sections 26 and 28 of this Act.

SECTION 36. The commission under *The Teachers' and Inspectors' Superannuation Act* is enlarged from five members to seven members so as to afford better representation on the commission to the different classes of teachers.

Rev. Stat. c. 369 s. 1 amended.

37. Section 1 of *The Vocational Education Act* is amended by adding thereto the following clause:

"County pupils."

(*bb*) "County pupils" shall include pupils who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in a municipality or portion of a municipality forming part of the county but not within the limits of a high school district or a grade A or grade B continuation school section in which a vocational school or department is established and maintained.

Rev. Stat. c. 369 s. 13, subs. 4, re-enacted.

38.—(1) Subsection 4 of section 13 of *The Vocational Education Act* is repealed and the following substituted therefor:

County pupils attending vocational school in city or town.

(4) Where county pupils from a county are attending a vocational school in a city or town situated in such county but separated therefrom for municipal purposes, the cost of education to be paid by the council of the county shall be calculated, ascertained, levied and paid in the manner provided in subsection 3.

Rev. Stat. c. 369 s. 13 amended.

(2) The said section 13 is further amended by adding thereto the following subsections:

County pupils attending vocational school in adjacent county.

Rev. Stat. c. 360.

(4*a*) Where county pupils from a county are attending a vocational school in a municipality in an adjacent county whether separated therefrom or not, and such school has been declared open to such county pupils in the manner provided in *The High Schools Act*, the cost of education to be paid by the council of the county shall be calculated, ascertained, levied and paid in the manner provided in subsection 3.

Agreement to be entered into.

(4*b*) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be payable in respect of pupils from such county or municipality within the county attending a vocational school, or a vocational department of a combined high and vocational school, under the control of such board of education or high school board.

Fees,—how levied.

(4*c*) Where the council of a county enters into an agreement under subsection 4*b* the amount of such fees shall be levied in the manner set forth in subsection 3.

SECTION 37. "County pupils" is defined in a manner consistent with the definition in *The High Schools Act*.

SECTION 38.—(1) The amendment permits county pupils to attend a vocational school in a city or separated town in such county whether or not such school has been declared open for county pupils.

(2) The new subsections limit county pupils attending schools outside the county to only such schools as have been declared open to them and provides for the payment of the cost of their education.

Commencement of Act.

Proviso as to certain sections.

39. This Act shall come into force on the day upon which it receives the Royal Assent, provided that section 3, section 4, sections 7 and 8, section 10, subsection 1 of section 15, section 17, section 18, section 22, section 23, section 24 and section 37 shall have effect from the 1st day of January, 1937; that sections 5 and 6, section 9, section 11, section 12, subsection 15, section 16, sections 19, 20 and 21, sections 25, 26, 27, 28, 29, 30, 31, 33, 35, 36 and 38 shall have effect from the 1st day of January, 1938, and sections 2, 13, 14 and 32 shall have effect from the 1st day of January, 1939.

BILL

The School Law Amendment Act, 1938.

1st Reading

March 25th, 1938.

2nd Reading

3rd Reading

MR. SIMPSON

1938

No. 84

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The School Law Amendment Act, 1938.

MR. SIMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84 1938

BILL

The School Law Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1938.*

Rev. Stat., c. 361, s. 3, subs. 1, cl. *e*, amended.

2. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* is amended by striking out the words "shall appoint three additional members" in the sixth and seventh lines and inserting in lieu thereof the words "may appoint one additional member," so that the said clause shall now read as follows:

Composition of municipal boards.

(*e*) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint one additional member of the board as authorized by *The High Schools Act.*

Rev. Stat., c. 360.

Rev. Stat., c. 359, s. 1, cl. *b*, amended.

3.—(1) Clause *b* of section 1 of *The Continuation Schools Act* is amended by inserting after the word "not" in the third line the words "within a high school district or," and by inserting after the word "established" in the fourth line the words "or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in grade A or grade B continuation school sections or high school districts, or pupils who reside or whose parents or guardians reside within grade A or grade B continuation school sections but do not contribute to the maintenance of the continuation schools in such sections," so that the said clause shall now read as follows:

(*b*) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in grade A or grade B continuation school sections or high school districts, or pupils who reside or whose parents or guardians reside within grade A or grade B continuation school sections but do not contribute to the maintenance of the continuation schools in such sections, but shall not include resident pupils. "County pupils."

(2) Clause *c* of the said section 1 is amended by inserting after the word "board" in the tenth line the words "fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the continuation school section," so that the said clause shall now read as follows: Rev. Stat., c. 359, s. 1, cl. *c*, amended.

(*c*) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the continuation school section; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees. "Maintenance."

(3) The said section 1 is further amended by adding thereto the following clause: Rev. Stat., c. 359, s. 1, amended.

(*ee*) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined. "Non-resident pupils."

Rev. Stat., c. 359, s. 5, subs. 1, cl. *b*, amended.

4.—(1) Clause *b* of subsection 1 of section 5 of *The Continuation Schools Act* is amended by striking out the words "either as a county pupil or otherwise" in the second and third lines, so that the said clause shall now read as follows:

Certain pupils not liable for fees.

(*b*) a pupil whose cost of education is payable under the provisions of section 8.

Rev. Stat., c. 359, s. 5, amended.

(2) The said section 5 is further amended by adding thereto the following subsection:

Fees,—when payable.

(1*a*) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or high school district attends any grade A or grade B continuation school situated in a municipality within the county, or a grade A or grade B continuation school in a city or separated town or adjacent county, which is open to county pupils from the county in which he resides because such grade A or grade B continuation school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school in the section in which he resides is not thus accessible; or

(ii) provides for such pupil a course of study which is not offered in the school in his own section,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the continuation school section where such pupil attends school and such fees shall be calculated in accordance with the provisions of sections 36 and 38 of *The High Schools Act*.

Rev. Stat., c. 360.

Rev. Stat., c. 359, s. 5, subs. 2, amended.

(3) Subsection 2 of the said section 5 is amended by striking out the word and figure "subsection 1" in the first line and inserting in lieu thereof the words and figures "subsections 1 and 1*a*" so that the said subsection shall now read as follows:

Fees of continuation school pupils.

(2) Pupils other than those mentioned in subsections 1 and 1*a* shall pay such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in the continuation school.

Rev. Stat., c. 359, s. 6, amended.

5. Section 6 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

(6) Notwithstanding the terms of any agreement entered into under the provisions of subsection 1, the sums payable to a continuation school section by a municipality or school section outside the continuation school section shall not be greater than the amount by which the sum to be paid by the said municipality or school section under the terms of the said agreement exceeds the sum paid by the county to the board of the said continuation school for the cost of education of county pupils who are residents of such municipality or school section. Amount payable by municipality outside continuation school section.

6.—(1) Section 7 of *The Continuation Schools Act* is amended by striking out the words "or maintained" in the fourth line, so that the first subsection of the said section shall now read as follows: Rev. Stat., c. 359, s. 7, amended.

(1) A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established in a city or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act. Where continuation schools not to be established. Rev. Stat., c. 360.

(2) The said section 7 is further amended by adding thereto the following subsection: Rev. Stat., c. 359, s. 7, amended.

(2) A continuation school shall not be maintained in a city or separated town unless such continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister, pending the establishment of a high school in accordance with section 7 of *The High Schools Act*. Continuation school in city or separated town. Rev. Stat. c. 360.

7. Section 9 of *The Continuation Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 359, s. 9 amended.

(4*a*) Where an agricultural department is established by the Minister in a grade A continuation school the council of the county in which the grade A continuation school is situate shall on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of $500, which shall be applied by the board to the purposes of such department. Grant for agricultural department.

8.—(1) Section 10 of *The Continuation Schools Act* is amended by striking out the words "the continuation school section" in the third and fourth lines and inserting in lieu thereof the words "grade A and grade B continuation school sections," and by striking out all the words after the word "municipality" Rev. Stat., c. 359, s. 10, amended.

in the fifth line, so that the first subsection of the said section shall now read as follows:

Right of exemption of contributing municipalities.

(1) Where a municipality is called upon to pay a part of the cost of education of county pupils under section 8, all parts of such municipalities as shall be included in grade A and grade B continuation school sections shall be exempt from paying any part of such cost paid by the municipality.

Rev. Stat., c. 359, s. 10, amended.

(2) The said section 10 is further amended by adding thereto the following subsection:

County levy.

(2) Notwithstanding the provisions of subsection 1, the county levy shall include a levy upon and against the whole rateable property of ratepayers who reside in grade A or grade B continuation school sections, but against whose property no levy for maintenance of the continuation schools in such continuation school section is made.

Rev. Stat., c. 4, s. 17, re-enacted.

9. Section 17 of *The Haliburton Act* is repealed and the following substituted therefor:

Liability of Provisional County of Haliburton.

Rev. Stat., cc. 359, 360, 369.

17. The liability of the Provisional County of Haliburton for the cost of education of county pupils within the meaning of *The Continuation Schools Act*, *The High Schools Act* and *The Vocational Education Act*, where such cost exceeds the continuation school and high school grants under *The Continuation Schools Act* and *The High Schools Act* shall be payable one-third by the county and two-thirds out of the provincial grants for secondary schools upon the requisition of the Minister of Education.

Rev. Stat., c. 360, s. 1, subs. 1, cl. *c*, amended.

10.—(1) Clause *c* of subsection 1 of section 1 of *The High Schools Act* is amended by inserting after the word "district" in the third line the words "or grade A or grade B continuation school section, or who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections," so that the said clause shall now read as follows:

"County pupils."

(*c*) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district or grade A or grade B continuation school section, or who are assessed or whose parents or guardians are assessed for an amount equal to the average assess-

ment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, but shall not include resident pupils.

(2) Clause *g* of subsection 1 of the said section 1 is amended by inserting after the word "board" in the tenth line the words "fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district," so that the said clause shall now read as follows: Rev. Stat., c. 360, s. 1, subs. 1, cl. *g*, amended.

(*g*) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees. "Maintenance."

11. Section 6 of *The High Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 360, s. 6, amended.

(6) A by-law establishing high school districts passed in accordance with the provisions of subsections 1 and 4 shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein. By-law establishing high school districts.

12. Subsection 1 of section 7 of *The High Schools Act* is amended by adding at the end thereof the words "unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister," so that the said subsection shall now read as follows: Rev. Stat., c. 360, s. 7, subs. 1, amended.

Establishment of high school district.

(1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister.

Rev. Stat., c. 360, s. 12, amended.

13. Section 12 of *The High Schools Act* is amended by striking out the word "six" in the first line and inserting in lieu thereof the word "three," so that the said section shall now read as follows:

Number of trustees.

12. Every high school board shall consist of at least three trustees.

Rev. Stat., c. 360, s. 13, subs. 1, amended.

14.—(1) Subsection 1 of section 13 of *The High Schools Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the word "one," by striking out the word "shall" in the third line and inserting in lieu thereof the word "may," and by striking out the words "two of whom" in the third and fourth lines and inserting in lieu thereof the word "and," so that the said subsection shall now read as follows:

Appointment of trustees.

(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, one of such trustees may be appointed by the county council and may reside in the county outside the district, and additional trustees shall be appointed as follows,—

(*a*) where the district comprises one municipality the council thereof shall appoint three additional trustees;

(*b*) where the district comprises two municipalities each council shall appoint two additional trustees; and

(*c*) where a district comprises more than two municipalities each council shall appoint one additional trustee.

Rev. Stat., c. 360, s. 13, subs. 3, amended.

(2) Subsection 3 of the said section 13 is amended by striking out the words "One of the trustees" in the first line and inserting in lieu thereof the words "The trustees," so that the said subsection shall now read as follows:

Annual retirement of trustees.

(3) The trustees appointed by the county council and one trustee appointed by each other council shall retire each year.

15. Subsection 1 of section 17 of *The High Schools Act* is amended by striking out the words "three additional trustees" in the fifth and sixth lines and inserting in lieu thereof the words "one additional trustee," so that the said subsection shall now read as follows: Rev. Stat., c. 360, s. 17, subs. 1, amended.

(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint one additional trustee as provided by subsection 1 of section 13 for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. Admission of county pupils to city or town school.

16. Subsection 3 of section 21 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 21, subs. 3, re-enacted.

(3) Where a separated town is reunited to the county one of the two trustees whose term of office shall first expire, to be selected by lot, shall retire as soon as the county council has appointed one trustee, and the remaining five trustees, together with the one trustee to be appointed by the county council, shall then constitute the board of the high school district. Where separated town is reunited to county.

17.—(1) Clause *h* of section 24 of *The High Schools Act* is amended by inserting after the word "pupils" in the second line the words "and with the approval of the Minister, of county pupils," so that the said clause shall now read as follows: Rev. Stat., c. 360, s. 24, cl. *h*, amended.

(*h*) to provide, where the board deems it expedient, for the transportation of resident pupils, and with the approval of the Minister, of county pupils, attending high school and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school. Transportation of pupils.

(2) Clause *l* of the said section 24 is amended by inserting after the word "year" in the seventh line the words "and for the payment of fees of resident pupils who may attend high Rev. Stat., c. 360, s. 24, cl. *l*, amended.

schools or grade A or grade B continuation schools outside the high school district but which they may attend as resident pupils," and by adding at the end the words "provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school, or schools, may include in its estimates, with the approval of the municipal council concerned, a sum not to exceed $5,000 for permanent improvements," so that the said clause shall now read as follows:

Estimates to be submitted to municipal council.

(*l*) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the high school district but which they may attend as resident pupils, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and such estimates may include an additional sum not exceeding $500 for any one school as may be deemed expedient for permanent improvements to be made during the same period; provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school, or schools, may include in its estimates, with the approval of the municipal council concerned, a sum not to exceed $5,000 for permanent improvements.

Rev. Stat., c. 59.

Rev. Stat., c. 360, s. 26, subss. 3–6, repealed.

18. Subsections 3 to 6 of section 26 of *The High Schools Act* are repealed.

Rev. Stat., c. 360, s. 36, subs. 1, cl. *a*, amended.

19.—(1) Clause *a* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "and" in the second line the words "subject to the provisions of the proviso contained in clause *l* of section 24," so that the said clause shall now read as follows:

Cost of education of county pupils in high school district,—how calculated.

(*a*) First, the total gross current expenditures for the calendar year for maintenance of the school and,

subject to the provisions of the proviso contained in clause *l* of section 24, for permanent improvements not exceeding $500 for any one school for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school shall be ascertained.

(2) Clause *b* of subsection 1 of the said section 36 is amended by inserting after the word "fees" in the second line the words "other than those raised by taxation," so that the said clause shall now read as follows: Rev. Stat., c. 360, s. 36, subs. 1, cl. *b*, amended.

(*b*) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees other than those raised by taxation, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained. Idem.

(3) Subsection 2 of the said section 36 is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs. 2, re-enacted.

(2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county, the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1. County pupils attending high school in city or town. Rev. Stat., c. 359.

20. *The High Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 360, amended.

38*a*. Notwithstanding any of the provisions of section 35, 36 or 38, the ratepayers of a public school section which under agreement with the board of a high school or a grade A or grade B continuation school is paying a share of the cost of education of pupils resident in such public school section who attend a high school Portion of cost to be borne by public school ratepayers.

or a grade A or grade B continuation school, shall pay only that part of the county levy for the cost of education of county pupils which is in excess of the levy on the said public school section which is required under the said agreement.

Rev. Stat., c. 360, s. 42, amended.

21. Section 42 of *The High Schools Act* is amended by striking out the words "the maintenance of the high school" in the fourth and fifth lines and inserting in lieu thereof the word "maintenance," and by striking out the words "if required by the board for permanent improvements" in the seventh and eighth lines and inserting in lieu thereof the words "and not exceeding $5,000 in the cases provided for in the proviso contained in clause *l* of section 24 if required by the board for permanent improvements and the amount necessary to pay the fees required by this Act to be paid in respect of resident pupils of the high school district attending high schools or grade A or grade B continuation schools outside the high school district," so that the said section shall now read as follows:

Councils to levy rates in high school districts.

42. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for maintenance in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding $500 in any one year and not exceeding $5,000 in the cases provided for in the proviso contained in clause *l* of section 24 if required by the board for permanent improvements and the amount necessary to pay the fees required by this Act to be paid in respect of resident pupils of the high school district attending high schools or grade A or grade B continuation schools outside the high school district, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils.

Rev. Stat., c. 360, s. 43, subs. 1, amended.

22. Subsection 1 of section 43 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of clause *l* of section 24," so that the said subsection shall now read as follows:

Grants for permanent improvements.

(1) Subject to the provisions of clause *l* of section 24 where the sum required by a board for permanent improvements exceeds $500 for any one school, the

same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Rev. Stat., c. 360, s. 44, subs. 1, amended.

23.—(1) Subsection 1 of section 44 of *The High Schools Act* is amended by striking out the words "shall be apportioned, except as hereinafter provided" in the sixth and seventh lines, and inserting in lieu thereof the words "shall be by a general county levy and shall be apportioned, except as provided in subsection 2," so that the said subsection shall now read as follows:

Council may raise further sum for high school purposes.

(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be by a general county levy and shall be apportioned, except as provided in subsection 2, among all the high schools of the county in proportion to the liability of the county to each board.

Rev. Stat., c. 360, s. 44, amended.

(2) The said section 44 is further amended by adding thereto the following subsection:

Moneys owing prior to January, 1937.

(3) In addition to any sums which the council of the county is required or permitted to pay under the provisions of this Act, the council, notwithstanding any other provisions of this Act or by-laws of the council, shall raise by a general county levy such further sums as may be owing by the county to high and continuation school boards and municipalities on account of the cost of education of county and non-resident pupils incurred prior to the 1st day of January, 1937, and shall pay the sums so raised to such boards and municipalities.

Rev. Stat., c. 360, s. 47, subs. 1, re-enacted.

24.—(1) Subsection 1 of section 47 of *The High Schools Act* is repealed and the following substituted therefor:

When schools to be free

(1) No fees shall be payable by or in respect of a pupil attending a high school who is,—

(*a*) a pupil who resides or whose parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers in the high school district by the board of which the school is established or maintained;

(*b*) a pupil whose cost of education is payable under the provisions of sections 35, 36 and 38.

When fees may be charged.

(1*a*) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or a high school district attends any high school situated in a high school district within the county, or a high school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides because such high school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school or high school in the section or district in which he resides is not thus accessible; or

(ii) provides for such pupil a course of study which is not offered in the school in his own section or district;

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the high school district where such pupil attends school and the amount of such fees shall be calculated in accordance with the provisions of sections 36 and 38.

Rev. Stat., c. 360, s. 47, subs. 2, amended.

(2) Subsection 2 of the said section 47 is amended by inserting after the word "than" in the first line the words "county pupils and," and by striking out the word and figure "subsection 1" in the said first line and inserting in lieu thereof the words and figures "subsections 1 and 1*a*", so that the said subsection shall now read as follows:

When fees may be charged.

(2) Pupils other than county pupils and the pupils referred to in subsections 1 and 1*a* attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school.

Rev. Stat., c. 360, s. 47, subs. 4, repealed.

(3) Subsection 4 of the said section 47 is repealed.

Rev. Stat., c. 360, s. 47, subs. 5, amended.

(4) Subsection 5 of the said section 47 is amended by striking out the words "legally imposed upon" in the sixth line and inserting in lieu thereof the words "payable in respect of," and by striking out the words "collegiate institute or vocational school" in the eighth line so that the said subsection shall now read as follows:

(5) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be payable in respect of pupils from such county or municipality within the county attending a high school under the control of such board of education or high school board. Agreements for payment of fees of non-resident pupils.

25. Section 48 of *The High Schools Act* is amended by striking out the words "and a resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein," in the third, fourth, fifth and sixth lines, and inserting in lieu thereof the words "or is assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, and a resident pupil shall have the right to attend any high school or grade A or grade B continuation school indicated in clause *m* of subsection 1 of section 1," so that the said section shall now read as follows: Rev. Stat., c. 360, s. 48, amended.

48. A county pupil shall have the right to attend any high school in the county in which he or his parent or guardian resides, or is assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities within the county which are not included in high school districts or grade A or grade B continuation school sections, and a resident pupil shall have the right to attend any high school or grade A or grade B continuation school indicated in clause *m* of subsection 1 of section 1, and a non-resident pupil may attend any high school at the discretion of the board. Which school pupils may attend.

26.—(1) Subsection 1 of section 59 of *The High Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows: Rev. Stat., c. 360, s. 59, subs. 1, amended.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June. Terms.

Rev. Stat., c. 360, s. 59, subs. 2, amended.

(2) Subsection 2 of the said section 59 is amended by striking out the figure and words "When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday" in the first and second lines, so that the said subsection shall now read as follows:

When opening and closing days Friday or Monday.

(2) When the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday.

Rev. Stat., c. 360, s. 64, amended.

27. Section 64 of *The High Schools Act* is amended by adding at the end thereof the following words "provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated," so that the said section shall now read as follows:

Seat vacated by conviction for crime, etc.

64. If a trustee is convicted of an indictable offence, or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy; provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated.

Rev. Stat., c. 357, s. 6, subs. 1, amended.

28.—(1) Subsection 1 of section 6 of *The Public Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

(2) Subsection 2 of the said section 6 is amended by striking out the words and figure "When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday, and" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 6, subs. 2, amended.

(2) When the 3rd day of January is a Friday, the schools shall not be opened until the following Monday, and when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday. When opening and closing days Friday or Monday.

29. Section 29 of *The Public Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 29, amended.

(4) In the case of an urban municipality or school section where the school site, schoolhouse or other school property is no longer required, in consequence of there being no public school supporters, such school site, schoolhouse or other school property shall be disposed of in such manner as the Minister may decide, and the proceeds shall be applied to public school purposes as determined by the Minister. Disposal of school site, schoolhouse, etc.

30. Subsection 6 of section 67 of *The Public Schools Act* is amended by striking out the words "at the proper time" in the first and second lines and inserting in lieu thereof the words "on the proper date," so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 67, subs. 6, amended.

(6) When any school meeting has not been held on the proper date the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice, to be posted up in at least three of the most public places in the school section, and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. Meeting to be called in default of first or annual meeting.

31. Subsection 1 of section 86 of *The Public Schools Act* is amended by inserting after the word "reports" in the second line the words "in writing to the parent and to the secretary of each board affected," so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 80, subs. 1, amended.

(1) The board shall admit to the school any non-resident pupil if the inspector reports in writing to the parent and to the secretary of each board affected that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides. Admission of non-resident pupils.

Rev. Stat., c. 357, s. 111, subs. 2, amended.

32. Subsection 2 of section 111 of *The Public Schools Act* is amended by inserting after the word "classes" in the sixth line the words "in schools not situated in high school districts or grade A or grade B continuation school sections," so that the said subsection shall now read as follows:

County to raise equivalent to legislative grant for fifth classes.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes in schools not situated in high school districts or grade A or grade B continuation school sections, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Rev. Stat., c. 357, s. 138, amended.

33. Section 138 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated," so that the said section shall now read as follows:

Seat vacated by conviction for crime, etc.

138. If a trustee is convicted of any indictable offence or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall *ipso facto* vacate his seat, and subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election; provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated.

Sums to be levied in years 1938 and 1939.

34. For the years 1938 and 1939 the sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 112 of *The Public Schools Act* shall be ninety per centum only of the sums indicated in such subsections.

35.—(1) Subsection 1 of section 93 of *The Separate Schools Act* is amended by striking out the figure and words "1st day of September" in the second line and inserting in lieu thereof the words "first Tuesday of September following Labour Day," so that the said subsection shall now read as follows: Rev. Stat., c. 362, s. 93, subs. 1, amended.

(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. Terms.

(2) Subsection 2 of the said section 93 is amended by striking out the words and figure "When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday," in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 362, s. 93, subs. 2, amended.

(2) When the 3rd day of January is a Friday the schools shall not be opened until the following Monday, when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday. When opening or closing days Friday or Monday.

36. Subsection 1 of section 16 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 366, s. 16, subs. 1, re-enacted.

(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of seven members who shall be appointed and elected as follows: Commission on claims.

(*a*) An actuary and three other persons appointed by the Minister triennially;

(*b*) Three teachers or inspectors who are members of the Ontario Educational Association and contributors to the Fund each of whom shall hold office for a period of three years and shall be elected at the annual meeting of such Association by the teachers and inspectors present and qualified to vote as contributors to the Fund, one of whom shall be elected from and by the secondary school members in 1938, one from and by the public and separate school male members in 1939, and one from and by the public and separate school female members in 1940.

Rev. Stat., c. 369, s. 1, amended.

37. Section 1 of *The Vocational Education Act* is amended by adding thereto the following clause:

"County pupils."

(*bb*) "County pupils" shall include pupils who are assessed or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in a municipality or portion of a municipality forming part of the county but not within the limits of a high school district or a grade A or grade B continuation school section in which a vocational school or department is established and maintained.

Rev. Stat., c. 369, s. 13, subs. 4, re-enacted.

38.—(1) Subsection 4 of section 13 of *The Vocational Education Act* is repealed and the following substituted therefor:

County pupils attending vocational school in city or town.

(4) Where county pupils from a county are attending a vocational school in a city or town situated in such county but separated therefrom for municipal purposes, the cost of education to be paid by the council of the county shall be calculated, ascertained, levied and paid in the manner provided in subsection 3.

Rev. Stat., c. 369, s. 13, amended.

(2) The said section 13 is further amended by adding thereto the following subsections:

County pupils attending vocational school in adjacent county.

(4*a*) Where county pupils from a county are attending a vocational school in a municipality in an adjacent county whether separated therefrom or not, and such school has been declared open to such county pupils in the manner provided in *The High Schools Act*, the cost of education to be paid by the council of the county shall be calculated, ascertained, levied and paid in the manner provided in subsection 3.

Rev. Stat., c. 360.

Agreement to be entered into.

(4*b*) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be payable in respect of pupils from such county or municipality within the county attending a vocational school, or a vocational department of a combined high and vocational school, under the control of such board of education or high school board.

Fees,—how levied.

(4*c*) Where the council of a county enters into an agreement under subsection 4*b* the amount of such fees shall be levied in the manner set forth in subsection 3.

Commencement of Act.

Proviso as to certain sections.

39. This Act shall come into force on the day upon which it receives the Royal Assent, provided that sections 3, 4, 7, 8, 10, 18, 22, 23, 24 and 37 shall have effect from the 1st day of January, 1937; that sections 5, 6, 9, 11, 12, 17, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 33, 35, 36 and 38 shall have effect from the 1st day of January, 1938, and that sections 2, 13, 14, 15, 16 and 32 shall have effect from the 1st day of January, 1939.

BILL

The School Law Amendment Act, 1938.

1st Reading

March 25th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. SIMPSON

1938

No. 85

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Disputes between Teachers and Boards.

MR. SIMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 85 1938

BILL

An Act respecting Disputes between Teachers and Boards.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Teachers' Boards of Reference Act, 1938.*

Interpretation.

2. In this Act,—

"Board." Rev. Stat., c. 366.

(*a*) "Board" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act;*

"Employed."

(*b*) "Employed" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act;*

"Judge."

(*c*) "Judge" shall mean a judge of the county or district court of the county or district in which the matter in dispute arose, or a judge of the county or district court of a county or district adjoining such county or district;

"Minister."

(*d*) "Minister" shall mean the Minister of Education;

"Teacher."

(*e*) "Teacher" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act.*

Teacher or board may apply for board of reference.

3. Notwithstanding anything contained in any other Act, where any teacher employed by a board is dismissed or the engagement of such teacher is terminated in a manner not mutually agreeable, such teacher or board may at any time up to and including the tenth day after the engagement terminated apply in writing to the Minister for a board of reference, setting forth in such application the nature of the dispute.

Constitution of board of reference.

4. Upon receipt of such application the Minister may, after the receipt of such sum as he may require to be deposited as security for costs, direct a judge to act as chairman of the

board of reference, and shall at the same time direct each of the parties to name in a writing addressed to the judge a representative to such board, provided that if either party fails to name a representative within ten days after the receipt of the direction so to do, the judge shall name a representative for such defaulting party and if both parties so default, the reference shall not proceed.

Place and time of hearing.

5. The judge shall with all convenient speed, and upon reasonable notice thereof to the parties, convene the board of reference in such suitable building as may be available.

Duty to inquire.

Powers of judge.

Rev. Stat., c. 19.

6. It shall be the duty of the board of reference to inquire into the matter in dispute and for such purpose the judge shall have all the powers and rights which may be conferred upon commissioners under *The Public Inquiries Act*.

Board of reference to report.

7. Upon the completion of the hearing, the board of reference shall report to the Minister the result of the reference and the evidence taken.

Costs.

8. The cost of the board of reference shall be determined and awarded by the judge in his discretion.

Board's powers restricted.

9. The board shall not make a permanent appointment in the place of a teacher who is dismissed or whose engagement is terminated until the time provided for applying for a board of reference has elapsed, or until ten days after receipt by the Minister of a report of the board of reference, as the case may be.

Regulations.

10. The Lieutenant-Governor in Council may make regulations,—

(*a*) fixing the remuneration of the members of the board of reference and defining and fixing the amount of such other items of expense as may be included in the cost thereof; and

(*b*) generally for the better carrying out of the provisions of this Act.

BILL

An Act respecting Disputes between Teachers and Boards.

1st Reading

March 25th, 1938

2nd Reading

3rd Reading

Mr. Simpson

No. 85

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act respecting Disputes between Teachers and Boards.

MR. SIMPSON

TORONTO
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No. 85 1938

BILL

An Act respecting Disputes between Teachers and Boards.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Teachers' Boards of Reference Act, 1938.*

Interpretation.

2. In this Act,—

"Board." Rev. Stat., c. 366.

(*a*) "Board" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act;*

"Employed."

(*b*) "Employed" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act;*

"Judge."

(*c*) "Judge" shall mean a judge of the county or district court of the county or district in which the matter in dispute arose, or a judge of the county or district court of a county or district adjoining such county or district;

"Minister."

(*d*) "Minister" shall mean the Minister of Education;

"Teacher."

(*e*) "Teacher" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act.*

Teacher or board may apply for board of reference.

3. Notwithstanding anything contained in any other Act, where any teacher employed by a board is dismissed or the engagement of such teacher is terminated in a manner not mutually agreeable, such teacher or board may at any time up to and including the tenth day after the engagement terminated apply in writing to the Minister for a board of reference, setting forth in such application the nature of the dispute.

Constitution of board of reference.

4. Upon receipt of such application the Minister may, after the receipt of such sum as he may require to be deposited as security for costs, direct a judge to act as chairman of the

board of reference, and shall at the same time direct each of the parties to name in a writing addressed to the judge a representative to such board, provided that if either party fails to name a representative within ten days after the receipt of the direction so to do, the judge shall name a representative for such defaulting party and if both parties so default, the reference shall not proceed.

Place and time of hearing.

5. The judge shall with all convenient speed, and upon reasonable notice thereof to the parties, convene the board of reference in such suitable building as may be available.

Duty to inquire.

Powers of judge.

Rev. Stat., c. 19.

6. It shall be the duty of the board of reference to inquire into the matter in dispute and for such purpose the judge shall have all the powers and rights which may be conferred upon commissioners under *The Public Inquiries Act*.

Board of reference to report.

7. Upon the completion of the hearing, the board of reference shall report to the Minister the result of the reference and the evidence taken.

Costs.

8. The cost of the board of reference shall be determined and awarded by the judge in his discretion.

Board's powers restricted.

9. The board shall not make a permanent appointment in the place of a teacher who is dismissed or whose engagement is terminated until the time provided for applying for a board of reference has elapsed, or until ten days after receipt by the Minister of a report of the board of reference, as the case may be.

Regulations.

10. The Lieutenant-Governor in Council may make regulations,—

(*a*) fixing the remuneration of the members of the board of reference and defining and fixing the amount of such other items of expense as may be included in the cost thereof; and

(*b*) generally for the better carrying out of the provisions of this Act.

BILL

An Act respecting Disputes between Teachers and Boards.

1st Reading

March 25th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. SIMPSON

1938

No. 86

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 86 1938

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1938.*

Rev. Stat., c. 288, s. 1, amended.

2. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Suspension or cancellation of license or permit.

(2) Where in this Act the Minister or a magistrate or other official is authorized or directed to suspend or cancel the license or permit of any person, and such person is the holder of both a license and a permit issued under this Act, every such authority shall extend to both license and permit and every such direction may in the discretion of the Minister, magistrate or other officer be made to apply to both license and permit.

Rev. Stat., c. 288, s. 9, subs. 2, re-enacted.

3. Subsection 2 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Exceptions as to residents of foreign countries.

(2) The provisions of sections 3 and 5 and subsection 1 of section 7 shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than thirty days in any one year if the owner thereof is a resident of a country or state which grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario and has complied with the provisions of the law of the country or state in which he resides as to registration of a motor vehicle and the display of registration plates thereon; provided, however, that this subsection shall not apply to commercial motor vehicles.

Rev. Stat., c. 288, s. 14, amended.

4.—(1) Section 14 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

EXPLANATORY NOTES.

SECTION 2. The proposed subsection makes provision for the suspension or cancellation of both the license and permit belonging to any person where the Act permits the suspension or cancellation of either license or permit.

SECTION 3. The amendment provides that where a person not resident in Ontario is exempted from certain provisions of the Act, such exemption shall only apply where such person has complied with any similar or corresponding provisions of the jurisdiction of which he is ordinarily a resident.

SECTION 4. Section 14 of the Act now provides that no person shall sell any new motor vehicle unless it is equipped with safety glass. The proposed subsection provides that no other glass than safety glass shall be installed in any motor vehicle after January 1st, 1939.

Safety glass.

(2) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle.

(2) The amendment made by subsection 1 shall have effect as from the 1st day of January, 1939.

Rev. Stat., c. 288, s. 39, subs. 2, cl. *a*, amended.

5.—(1) Clause *a* of subsection 2 of section 39 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and such lights shall be arranged vertically with the red light at the top and the green light at the bottom," so that the said clause shall now read as follows:

Signal-light traffic control systems.

(*a*) Lights of green, amber and red may be used for signal-light traffic control systems and such lights shall be arranged vertically with the red light at the top and the green light at the bottom.

Rev. Stat., c. 288, s. 39, subs. 3, cl. *b*, amended.

(2) Clause *b* of subsection 3 of the said section 39 is amended by inserting after the word "highway" in the first line the words "or part of a highway," so that the said clause shall now read as follows:

"Through highway."

(*b*) "Through highway" shall mean any highway or part of a highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department.

Rev. Stat., c. 288, s. 39, subs. 10, amended.

(3) Subsection 10 of the said section 39 is amended by adding at the end thereof the words "provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if such other vehicle is making or about to make a left turn," so that the said subsection shall now read as follows:

Vehicles or horsemen overtaking and passing others.

(10) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if such other vehicle is making or about to make a left turn.

Rev. Stat., c. 288, amended.

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Crossing traffic lanes.

39*a*.—(1) When a highway has been divided into traffic lanes by an unpaved portion lying between two

SECTION 5. (1) Provision is made for the arrangement of the red, amber and green lights which are used in signal-light traffic control systems.

(2) This amendment permits a part of a highway to be designated as a "through highway."

(3) This amendment provides that where a vehicle is about to make a left turn it may be overtaken and passed by another vehicle on its right side.

SECTION 6. The proposed section regulates the operation of vehicles upon highways which are divided into traffic lanes with an unpaved portion between two parallel paved roadways.

parallel paved roadways, no person shall operate or drive any vehicle or lead, ride or drive any animal,—

(*a*) along or upon such highway except upon the roadway on the right-hand side, having regard to the direction in which such vehicle is being operated or drawn or such animal is being led, ridden or driven; or

(*b*) on, over or across the unpaved portion of such highway except at those points where crossings are marked or provided.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence, a penalty of not more than $10; for the second offence a penalty of not more than $20; and for the third offence a penalty of not more than $30, and for any subsequent offence a penalty of not more than $50.

Rev. Stat., c. 288, s. 40, subs. 5, amended.

7. Subsection 5 of section 40 of *The Highway Traffic Act* is amended by striking out the words "lighted and placed upon the highway" in the seventh and eighth lines, and inserting in lieu thereof the words "lighted, placed and maintained upon the highway until dawn or the removal of such vehicle," so that the said subsection shall now read as follows:

Flares on disabled commercial motor vehicles.

(5) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of such vehicle, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

Rev. Stat., c. 288, s. 56, subs. 1, re-enacted.

8. Subsection 1 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Impounding motor vehicle.

(1) In the event of,—

(*a*) a conviction under section 23 or 67 of this Act or subsection 4 of section 285 of the *Criminal Code*; or

SECTION 7. The amendment provides that where flares are required to be placed near a disabled commercial vehicle, such flares shall be maintained until dawn.

SECTION 8. Subsection 1 of section 56 of *The Highway Traffic Act* is recast to provide for the impounding of motor vehicles driven by persons convicted of certain offences.

The new subsection 1*a* deals with second and third convictions and the new subsection 1*b* exempts motor vehicles driven without the knowledge or consent of the owner from the provisions of subsection 1.

(*b*) a second conviction under section 45; or

(*c*) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months.

Second or third conviction.

(1*a*) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a*, such first mentioned conviction shall be deemed a second conviction and where there is a conviction under a section mentioned in clause *c* of subsection 1 and a previous conviction or two previous convictions under a section or sections mentioned in clause *a* or *b*, such first mentioned conviction shall be deemed to be a second or third conviction as the case may be.

Application of subss. 1 and 1*a*.

(1*b*) The provisions of subsections 1 and 1*a* shall not apply to a motor vehicle driven by a person other than the owner without the knowledge or consent of the owner.

Rev. Stat., c. 288, s. 59, subs. 1, amended.

9. Subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out the word "ten" in the second line and inserting in lieu thereof the word "fifteen," so that the said subsection shall now read as follows:

Time limit for serving summonses.

(1) A summons issued for a violation of any of the provisions of this Act shall be served within fifteen days of the alleged offence; provided, however, that the time for serving such summons may be extended by the presiding magistrate on sufficient evidence being adduced to show that the person summonsed could not be served within the time specified.

Rev. Stat., c. 288, s. 60, subs. 3, re-enacted.

10. Subsection 3 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Action for damages.

(3) Notwithstanding the provisions of subsections 1 and 2 when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same

SECTION 9. The length of time for the service of a summons issued for a violation of the Act is extended from ten to fifteen days.

SECTION 10. The provision of the Act which exempts a counterclaim from the operation of the limitation period fixed for bringing actions, is extended to make a similar exemption in the case of third party proceedings.

accident, the lapse of time herein limited shall be no bar to such counterclaim or third party proceedings.

Rev. Stat., c. 288, s. 68, amended.

11.—(1) Section 68 of *The Highway Traffic Act* is amended by striking out the words and figures "under section 51" in the fifth line and inserting in lieu thereof the words and figures "under the sections referred to in subsection 1 of section 56," so that the said section shall now read as follows:

Interpretation.

68. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first," "second," "third," or "subsequent" shall relate only to offences committed in the same calendar year; but this shall not apply to offences under the sections referred to in subsection 1 of section 56.

(2) The amendment made by subsection 1 shall apply only to offences committed after the coming into force of this Act.

Rev. Stat., c. 288, s. 72, subs. 1, amended.

12. Subsection 1 of section 72 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur's or operator's license to operate or drive such motor vehicle," so that the said subsection shall now read as follows:

Operator's license.

(1) No person other than one holding a chauffeur's license shall operate or drive a motor vehicle on a highway unless he holds an operator's license issued to him under this section, and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur's or operator's license to operate or drive such motor vehicle.

Rev. Stat., c. 288, s. 75, re-enacted.

13. Section 75 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Exemption as to non-residents.

75. The provisions of this Part and of subsection 1 of section 19 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than three consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than thirty days in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

SECTION 11. Section 68 of the Act, which provides that "first offence," "second offence," "third offence" and "subsequent offence" shall relate only to offences committed in the same calendar year, is rendered inapplicable to offences mentioned in subsection 1 of section 56 of *The Highway Traffic Act* as re-enacted by section 10 of this Bill.

SECTION 12. The amendment prohibits any person who is the owner, or is in possession or control of a motor vehicle, from permitting any person who is not the holder of a driver's license or operator's license to drive such motor vehicle.

SECTION 13. The amendment provides that the provisions of subsection 1 of section 19 of *The Highway Traffic Act* and any regulations made thereunder shall not apply to persons who are residents of other provinces if such persons have complied with similar provisions, if any, in force in the province in which they reside.

Rev. Stat., c. 288, s. 78, subs. 1, amended.

14. Subsection 1 of section 78 of *The Highway Traffic Act* is amended by striking out the words "or who has" in the second line and inserting in lieu thereof the words "committed for trial or," so that the first four lines of the said subsection shall now read as follows:

Licenses suspended for convictions.

(1) The driver's license and owner's permit or permits of every person who has been convicted of, committed for trial or forfeited his bail after having been arrested for any one of the following offences or violations of law, namely:

Rev. Stat., c. 288, s. 79, subs. 1, amended.

15. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by striking out the symbol and figures "$100" in the eighth line and inserting in lieu thereof the symbol and figures "$50," so that the said subsection shall now read as follows:

License suspended for failure to pay judgments.

(1) Subject to the provisions of section 87, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of $50, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat., c. 288, s. 94, subs. 5, amended.

16. Subsection 5 of section 94 of *The Highway Traffic Act* is amended by striking out the words "civil or criminal" in the ninth line, so that the said subsection shall now read as follows:

Reports and statements without prejudice.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection, and the fact that such reports and statements have been so made or

SECTION 14. The provision for the suspension of the driver's license and owner's permit of a person who has been convicted of, or forfeited his bail, after having been arrested for any of the offences set out in the subsection, is extended to include persons who have been committed for trial for any of the offences so set out.

SECTION 15. The amendment provides for the suspension of a license for failure to pay a judgment in excess of $50 instead of $100.

SECTION 16. The words "civil or criminal" used to qualify the word "trial" in subsection 5 of section 94, are repealed.

furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 28th, 1938

2nd Reading

3rd Reading

MR. MCQUESTEN

1938

No. 86

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

TORONTO
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No. 86 1938

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1938.*

Rev. Stat., c. 288, s. 1, amended.

2. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Suspension or cancellation of license or permit.

(2) Where in this Act the Minister or a magistrate or other official is authorized or directed to suspend or cancel the license or permit of any person, and such person is the holder of both a license and a permit issued under this Act, every such authority shall extend to both license and permit and every such direction may in the discretion of the Minister, magistrate or other officer be made to apply to both license and permit.

Rev. Stat., c. 288, s. 9, subs. 2, re-enacted.

3. Subsection 2 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Exceptions as to residents of foreign countries.

(2) The provisions of sections 3 and 5 and subsection 1 of section 7 shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than thirty days in any one year if the owner thereof is a resident of a country or state which grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario and has complied with the provisions of the law of the country or state in which he resides as to registration of a motor vehicle and the display of registration plates thereon; provided, however, that this subsection shall not apply to commercial motor vehicles.

Rev. Stat., c. 288, s. 14, amended.

4.—(1) Section 14 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

(2) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle. Safety glass.

(2) The amendment made by subsection 1 shall have effect as from the 1st day of January, 1939. Commencement of subs. 1.

5.—(1) Clause *a* of subsection 2 of section 39 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and such lights shall be arranged vertically with the red light at the top and the green light at the bottom," so that the said clause shall now read as follows: Rev. Stat., c. 288, s. 39, subs. 2, cl. *a*, amended.

(*a*) Lights of green, amber and red may be used for signal-light traffic control systems and such lights shall be arranged vertically with the red light at the top and the green light at the bottom. Signal-light traffic control systems.

(2) Clause *b* of subsection 3 of the said section 39 is amended by inserting after the word "highway" in the first line the words "or part of a highway," so that the said clause shall now read as follows: Rev. Stat., c. 288, s. 39, subs. 3, cl. *b*, amended.

(*b*) "Through highway" shall mean any highway or part of a highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department. "Through highway."

(3) Subsection 10 of the said section 39 is amended by adding at the end thereof the words "provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if such other vehicle is making or about to make a left turn," so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 39, subs. 10, amended.

(10) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if such other vehicle is making or about to make a left turn. Vehicles or horsemen overtaking and passing others.

6. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 288, amended.

39*a*.—(1) When a highway has been divided into traffic lanes by an unpaved portion lying between two Crossing traffic lanes.

parallel paved roadways, no person shall operate or drive any vehicle or lead, ride or drive any animal,—

(*a*) along or upon such highway except upon the roadway on the right-hand side, having regard to the direction in which such vehicle is being operated or drawn or such animal is being led, ridden or driven; or

(*b*) on, over or across the unpaved portion of such highway except at those points where crossings are marked or provided.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence, a penalty of not more than $10; for the second offence a penalty of not more than $20; and for the third offence a penalty of not more than $30, and for any subsequent offence a penalty of not more than $50.

Rev. Stat., c. 288, s. 40, subs. 5, amended.

7. Subsection 5 of section 40 of *The Highway Traffic Act* is amended by striking out the words "lighted and placed upon the highway" in the seventh and eighth lines, and inserting in lieu thereof the words "lighted, placed and maintained upon the highway until dawn or the removal of such vehicle," so that the said subsection shall now read as follows:

Flares on disabled commercial motor vehicles.

(5) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of such vehicle, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

Rev. Stat., c. 288, s. 56, subs. 1, re-enacted.

8. Subsection 1 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Impounding motor vehicle.

(1) In the event of,—

(*a*) a conviction under section 23 or 67 of this Act or subsection 4 of section 285 of the *Criminal Code*; or

(*b*) a second conviction under section 45; or

(*c*) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time registered in the name of such person, or in the name of the husband, wife, parent or dependant child of such person.

Second or third conviction.

(1*a*) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a*, such first mentioned conviction shall be deemed a second conviction and where there is a conviction under a section mentioned in clause *c* of subsection 1 and a previous conviction or two previous convictions under a section or sections mentioned in clause *a* or *b*, such first mentioned conviction shall be deemed to be a second or third conviction as the case may be.

Rev. Stat., c. 288, s. 59, subs. 1, amended.

9. Subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out the word "ten" in the second line and inserting in lieu thereof the word "fifteen," so that the said subsection shall now read as follows:

Time limit for serving summonses.

(1) A summons issued for a violation of any of the provisions of this Act shall be served within fifteen days of the alleged offence; provided, however, that the time for serving such summons may be extended by the presiding magistrate on sufficient evidence being adduced to show that the person summonsed could not be served within the time specified.

Rev. Stat., c. 288, s. 60, subs. 3, re-enacted.

10. Subsection 3 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Action for damages.

(3) Notwithstanding the provisions of subsections 1 and 2 when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same

accident, the lapse of time herein limited shall be no bar to such counterclaim or third party proceedings.

Rev. Stat., c. 288, s. 68, amended.

11.—(1) Section 68 of *The Highway Traffic Act* is amended by striking out the words and figures "under section 51" in the fifth line and inserting in lieu thereof the words and figures "under the sections referred to in subsection 1 of section 56," so that the said section shall now read as follows:

Interpretation.

68. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first," "second," "third," or "subsequent" shall relate only to offences committed in the same calendar year; but this shall not apply to offences under the sections referred to in subsection 1 of section 56.

Application of subs. 1.

(2) The amendment made by subsection 1 shall apply only to offences committed after the coming into force of this Act.

Rev. Stat., c. 288, s. 72, subs. 1, amended.

12. Subsection 1 of section 72 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur's or operator's license to operate or drive such motor vehicle," so that the said subsection shall now read as follows:

Operator's license.

(1) No person other than one holding a chauffeur's license shall operate or drive a motor vehicle on a highway unless he holds an operator's license issued to him under this section, and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur's or operator's license to operate or drive such motor vehicle.

Rev. Stat., c. 288, s. 75, re-enacted.

13. Section 75 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Exemption as to non-residents.

75. The provisions of this Part and of subsection 1 of section 19 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than three consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than thirty days in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

14. Subsection 1 of section 78 of *The Highway Traffic Act* is amended by striking out the words "or who has" in the second line and inserting in lieu thereof the words "committed for trial or," so that the first four lines of the said subsection shall now read as follows: Rev. Stat., c. 288, s. 78, subs. 1, amended.

(1) The driver's license and owner's permit or permits of every person who has been convicted of, committed for trial or forfeited his bail after having been arrested for any one of the following offences or violations of law, namely: Licenses suspended for convictions.

15. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by striking out the symbol and figures "$100" in the eighth line and inserting in lieu thereof the symbol and figures "$25," so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 79 subs. 1, amended.

(1) Subject to the provisions of section 87, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of $25, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility. License suspended for failure to pay judgments.

16. Subsection 5 of section 94 of *The Highway Traffic Act* is amended by striking out the words "civil or criminal" in the ninth line, so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 94, subs. 5, amended.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection, and the fact that such reports and statements have been so made or Reports and statements without prejudice.

furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 28th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. MCQUESTEN

1938

No. 87

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Sanatoria for Consumptives Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 87 1938

BILL

An Act to amend The Sanatoria for Consumptives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1938.*

Rev. Stat., c. 395, s. 1, amended.

2.—(1) Section 1 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following clauses:

"Local board."

(*ff*) "Local Board" shall mean a local board of health established under *The Public Health Act;*

"Local municipality."

(*fff*) "Local municipality" shall mean a city, a town, a village and a township.

Rev. Stat., c. 395, s. 1, cl. *l*, amended.

(2) Clause *l* of the said section 1 is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six," so that the said clause shall now read as follows:

"Resident."

(*l*) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the six months next prior to admission to a sanatorium.

Rev. Stat., c. 395, s. 3, amended.

3. Section 3 of *The Sanatoria for Consumptives Act* is amended by adding at the end of clause *c* the words "including the appointment of one member of the board," and by adding at the end of the said section the words "and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis," so that the said section shall now read as follows:

Regulations for sanatoria.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation, construction, etc.

(*a*) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Explanatory Notes

General. The Bill relieves the municipalities from the payment of charges for treatment of patients in sanatoria for consumptives and provides for the payment of all such charges by the Province.

Section 2.—(1) defines "local board" and "local municipality" as these terms are used in the Act.

Section 2.—(2) amends the definition of "resident."

Section 3. The amendment permits regulations to be made providing for the appointment of one member of each board and for payment for the treatment outside sanatoria of persons suffering from tuberculosis.

Classification, etc.

(*b*) their classification, grades and standards;

Inspection, operation, etc.

(*c*) their inspection, control, government, management, conduct, operation and use, including the appointment of one member of the board;

Staffs, etc.

(*d*) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

Patients, etc.

(*e*) the admission, treatment, conduct and discharge of patients;

Rates, etc.

(*f*) the classification, length of stay, rates and charges of and for patients;

Accounting, etc.

(*g*) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

Provincial aid.

(*h*) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

General.

(*i*) all other matters affecting sanatoria;

Treatment outside sanatoria.

and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis.

Rev. Stat., c. 395, s. 16, amended.

4.—(1) Section 16 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "board" in the fifth line the words "which, subject to subsection 2, shall be," so that the first subsection of the said section shall now read as follows:

Board of management.

16. When a municipal corporation has, or jointly, two or more municipal corporations have established a sanatorium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same.

Rev. Stat., c. 395, s. 16, amended.

(2) The said section 16 is amended by adding thereto the following subsection:

Section 4. Provision is made for the appointment by the Lieutenant-Governor in Council of a member of a board of a sanatorium established by a municipality.

Appointment to board by Lieutenant-Governor in Council.

(2) Notwithstanding the provisions of subsection 1, the Lieutenant-Governor in Council may appoint any person to be a member of a board of any sanatorium referred to in subsection 1, and such person shall hold office during pleasure; provided that where any such board consists of five members at the time of such appointment the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed.

Rev. Stat., c. 395, ss. 37, 38, 40, 41 and 42 repealed.

5. Sections 37 and 38 and sections 40, 41 and 42 of *The Sanatoria for Consumptives Act* are repealed.

Rev. Stat., c. 395, s. 43, cl. *a*, amended.

6. Clause *a* of section 43 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "municipality" in the fourth line the words "but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission," so that the said clause shall now read as follows:

Persons seeking medical aid.

(*a*) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or.

Rev. Stat., c. 395, ss. 44, 45 repealed.

7. Sections 44 and 45 of *The Sanatoria for Consumptives Act* are repealed.

Rev. Stat., c. 395, s. 46, amended.

8. Section 46 of *The Sanatoria for Consumptives Act* is amended by striking out the words "charges for treatment of any patient or for" in the first and second lines, and by striking out the words "from time to time render to the clerk of the municipality statements of account of any such charges" in the fourth and fifth lines and inserting in lieu thereof the words "render to the clerk of the municipality a statement of account of any such expenses," so that the said section shall now read as follows:

Statements of account to be rendered.

46. When under this Act the burial expenses of a deceased patient are payable by a municipality, the sanatorium to which such patient was admitted shall render to the clerk of the municipality a statement of account of any such expenses with full particulars thereof and if

SECTION 5. Sections which under the new arrangements will no longer be required, are repealed.

SECTION 6 clarifies the meaning of "resident."

SECTION 7 repeals sections no longer applicable under the new arrangement.

SECTIONS 8, 9 and 10. These sections amend sections 46, 47 and 48 of *The Sanatoria for Consumptives Act* so as to restrict their operation to burial expenses of persons who die in sanatoria.

the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat., c. 395, s. 47, amended.

9. Section 47 of *The Sanatoria for Consumptives Act* is amended by striking out the words "of any account rendered to it by a sanatorium for treatment of a patient or on payment by it," in the first, second and third lines, and by striking out the words "the patient, or, in the event of his decease, from" in the fourth and fifth lines, so that the said section shall now read as follows:

Municipal recourse against patient's estate.

47. Upon payment by a municipality of any expenses of burial of a deceased patient, such municipality may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat., c. 395, s. 48, amended.

10. Section 48 of *The Sanatoria for Consumptives Act* is amended by striking out the words "to a sanatorium of any account for treatment of a patient or upon payment" in the first and second lines, so that the said section shall now read as follows:

Municipal recourse against proper municipality.

48. Upon payment by a municipality of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality, it shall be entitled to exercise the rights of recovery conferred under section 47.

Rev. Stat., c. 395, ss. 49, 50 re-enacted; ss. 51, 52 repealed.

11. Sections 49 to 52 of *The Sanatoria for Consumptives Act* are repealed and the following substituted therefor:

Provincial aid.

49. Out of any moneys appropriated by the Legislature the Department may pay provincial aid to a sanatorium for the treatment of every patient at the rate fixed by the regulations or may make payments for the treatment outside a sanatorium of any person suffering from tuberculosis, in accordance with the provisions of the regulations.

SECTION 11. Sections 49 to 52 of *The Sanatoria for Consumptives Act*, which will no longer be required under the new arrangements, are repealed. The new section 49 provides for the payment of provincial aid to sanatoria for consumptives and also permits payments to be made out of moneys appropriated by the Legislature for the treatment outside a sanatorium of any person suffering from tuberculosis.

Notice that patient recovered.

50.—(1) The superintendent of a sanatorium or an inspector may give notice in writing to the local board of any local municipality that any indigent patient who was a resident in such municipality at the time of admission to a sanatorium has recovered to such an extent that such patient is not infectious to others and may receive treatment outside the sanatorium.

Local municipality to provide living accommodation, etc.

(2) Upon receiving such notice, the local board, at the expense of the local municipality, shall provide such patient with proper living accommodation including food and other necessaries of life, transportation thereto and treatment, including transportation to and from any place where special treatment is provided for tuberculosis, all of which shall be subject to the approval of the inspector.

Failure of local board to comply with provisions of subs. 2.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after receiving the notice referred to in subsection 1, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations.

Commencement of Act.

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

The new section 50 requires the local board of health to make provision for patients who have recovered sufficiently to be discharged from sanatoria

BILL

An Act to amend The Sanatoria for Consumptives Act.

1st Reading

March 28th, 1938

2nd Reading

3rd Reading

MR. KIRBY

1938

No. 87

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Sanatoria for Consumptives Act.

Mr. Kirby

TORONTO
Printed by T. E. Bowman
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No. 87

BILL

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Mr. Kirby

TORONTO
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Printer to the King's Most Excellent Majesty

No. 87 1938

BILL

An Act to amend The Sanatoria for Consumptives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1938.*

Rev. Stat., c. 395, s. 1, amended.

2.—(1) Section 1 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following clauses:

"Local board." Rev. Stat. c. 299.

(*ff*) "Local board" shall mean a local board of health established under *The Public Health Act;*

"Local municipality."

(*fff*) "Local municipality" shall mean a city, a town, a village and a township.

Rev. Stat., c. 395, s. 1, cl. *l*, amended.

(2) Clause *l* of the said section 1 is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six," so that the said clause shall now read as follows:

"Resident."

(*l*) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the six months next prior to admission to a sanatorium.

Rev. Stat., c. 395, s. 3, amended.

3. Section 3 of *The Sanatoria for Consumptives Act* is amended by adding at the end of clause *c* the words "including the appointment of one member of the board," and by adding at the end of the said section the words "and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis," so that the said section shall now read as follows:

Regulations for sanatoria.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation, construction, etc.

(*a*) their creation, establishment, construction, alteration, equipment, maintenance and repair;

(*b*) their classification, grades and standards; Classification, etc.

(*c*) their inspection, control, government, management, conduct, operation and use, including the appointment of one member of the board; Inspection, operation, etc.

(*d*) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof; Staffs, etc.

(*e*) the admission, treatment, conduct and discharge of patients; Patients, etc.

(*f*) the classification, length of stay, rates and charges of and for patients; Rates, etc.

(*g*) the records, books, accounting system, reports and returns to be made and kept by sanatoria; Accounting, etc.

(*h*) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and Provincial aid.

(*i*) all other matters affecting sanatoria; General.

and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis. Treatment outside sanatoria.

4.—(1) Section 16 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "board" in the fifth line the words "which, subject to subsection 2, shall be," so that the first subsection of the said section shall now read as follows: Rev. Stat., c. 395, s. 16, amended.

16. When a municipal corporation has, or jointly, two or more municipal corporations have established a sanatorium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same. Board of management.

(2) The said section 16 is amended by adding thereto the following subsection: Rev. Stat., c. 395, s. 16, amended.

Appointment to board by Lieutenant-Governor in Council.

(2) Notwithstanding the provisions of subsection 1, the Lieutenant-Governor in Council may appoint any person to be a member of a board of any sanatorium referred to in subsection 1, and such person shall hold office during pleasure; provided that where any such board consists of five members at the time of such appointment the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed.

Rev. Stat., c. 395, ss. 37, 38, 40, 41 and 42, repealed.

5. Sections 37 and 38 and sections 40, 41 and 42 of *The Sanatoria for Consumptives Act* are repealed.

Rev. Stat., c. 395, s. 43, cl. *a*, amended.

6. Clause *a* of section 43 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "municipality" in the fourth line the words "but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission," so that the said clause shall now read as follows:

Persons seeking medical aid.

(*a*) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or.

Rev. Stat., c. 395, ss. 44, 45, repealed.

7. Sections 44 and 45 of *The Sanatoria for Consumptives Act* are repealed.

Rev. Stat., c. 395, s. 46, amended.

8. Section 46 of *The Sanatoria for Consumptives Act* is amended by striking out the words "charges for treatment of any patient or for" in the first and second lines, and by striking out the words "from time to time render to the clerk of the municipality statements of account of any such charges" in the fourth and fifth lines and inserting in lieu thereof the words "render to the clerk of the municipality a statement of account of any such expenses," so that the said section shall now read as follows:

Statements of account to be rendered.

46. When under this Act the burial expenses of a deceased patient are payable by a municipality, the sanatorium to which such patient was admitted shall render to the clerk of the municipality a statement of account of any such expenses with full particulars thereof and if

the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

9. Section 47 of *The Sanatoria for Consumptives Act* is amended by striking out the words "of any account rendered to it by a sanatorium for treatment of a patient or on payment by it," in the first, second and third lines, and by striking out the words "the patient, or, in the event of his decease, from" in the fourth and fifth lines, so that the said section shall now read as follows: Rev. Stat., c. 395, s. 47, amended.

47. Upon payment by a municipality of any expenses of burial of a deceased patient, such municipality may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. Municipal recourse against patient's estate.

10. Section 48 of *The Sanatoria for Consumptives Act* is amended by striking out the words "to a sanatorium of any account for treatment of a patient or upon payment" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 395, s. 48, amended.

48. Upon payment by a municipality of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality, it shall be entitled to exercise the rights of recovery conferred under section 47. Municipal recourse against proper municipality.

11. Sections 49 to 52 of *The Sanatoria for Consumptives Act* are repealed and the following substituted therefor: Rev. Stat., c. 395, ss. 49, 50 re-enacted; ss. 51, 52, repealed.

49. Out of any moneys appropriated by the Legislature the Department may pay provincial aid to a sanatorium for the treatment of every patient at the rate fixed by the regulations or may make payments for the treatment outside a sanatorium of any person suffering from tuberculosis, in accordance with the provisions of the regulations. Provincial aid.

Notice that patient recovered.

50.—(1) The superintendent of a sanatorium or an inspector may give notice in writing to the local board of any local municipality that any indigent patient who was a resident in such municipality at the time of admission to a sanatorium has recovered to such an extent that such patient is not infectious to others and may receive treatment outside the sanatorium.

Local municipality to provide living accommodation, etc.

(2) Upon receiving such notice, the local board, at the expense of the local municipality, shall provide such patient with proper living accommodation including food and other necessaries of life, transportation thereto and treatment, including transportation to and from any place where special treatment is provided for tuberculosis, all of which shall be subject to the approval of the inspector.

Failure of local board to comply with provisions of subs. 2.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after receiving the notice referred to in subsection 1, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations.

Commencement of Act.

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to amend The Sanatoria for Consumptives Act.

1st Reading

March 28th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. KIRBY

1938

No. 88

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Act.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 88 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 129, amended.

1. Section 129 of *The Municipal Act* is amended by adding thereto the following clause:

(*bb*) by which votes have been given for less candidates than are to be elected; or

Explanatory Note

This clause will prohibit the practice known as "plumping." If, for instance, six councillors are to be elected the voter must vote for six candidates. Should the voter not do so his ballot paper will be rejected.

No. 88

BILL

An Act to amend The Municipal Act.

1st Reading

March 28th, 1938.

2nd Reading

3rd Reading

MR. HENRY

1938

No. 89

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 89 1938

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Game and Fisheries Amendment Act, 1938.*

Rev. Stat., c. 353, s. 2, cl. *l*, repealed.

2. Clause *l* of section 2 of *The Game and Fisheries Act* is repealed.

Rev. Stat., c. 353, s. 6, subs. 1, cl. *x*, re-enacted.

3. Clause *x* of subsection 1 of section 6 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Hunting licenses, pheasants, rabbits.

(*x*) authorizing the issuing of licenses by townships and township organizations approved by the Department for the hunting of pheasants and rabbits within such townships and within the boundaries of the lands controlled by such township organizations for the purpose of this clause during the period within which the hunting of pheasants and rabbits is permitted by this Act and any Order-in-Council passed thereunder, and the charging of fees for issuing such licenses by such townships and township organizations.

Rev. Stat., c. 353, s. 7, cl. *b*, amended.

4.—(1) Clause *b* of section 7 of *The Game and Fisheries Act* is amended by adding at the end thereof the following words and subclauses "provided that the provisions of this clause shall not apply to moose in those parts of Ontario described in the following subclauses,—

Open season for moose not to apply.

"(i) That portion of Ontario bounded on the north by the road running east from Westree (on the line of the Canadian National Railway) through Shiningtree, Gowganda and Elk Lake to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial

Explanatory Notes

Section 2. Since the amendment made to the present section 38 of the Act in 1937, the word "monitor" does not appear in the Act, and therefore is deleted from the interpretation section.

Section 3. This section of the Bill provides for the issuing of licenses by townships and township organizations approved by the Department for the hunting of pheasants and rabbits during the period such hunting is permitted by the Act or any Order-in-Council passed thereunder.

Section 4.—(1) Two subclauses are added to clause (*b*) of section 7 of the Act, providing that the open season for moose shall not apply to those parts of Ontario described in the two subclauses.

boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement;

"(ii) That portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth of Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement."

Rev. Stat., c. 353, s. 7, cl. *h*, amended.

(2) Clause *h* of the said section 7 is amended by adding at the end thereof the words "and in those parts of Ontario described in subclauses i and ii of clause *b*," so that the said clause shall now read as follows:

Moose, south of the French and Mattawa Rivers.

(*h*) any moose in that part of Ontario lying south of the French and Mattawa Rivers and in those parts of Ontario described in subclauses i and ii of clause *b*.

Rev. Stat., c. 353, s. 9, subs. 2, re-enacted.

5. Subsection 2 of section 9 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Muskrat.

(2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Rev. Stat., c. 353, s. 15, re-enacted.

6. Section 15 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

(2) This amendment is complementary to the amendment made by subsection 1 of this section of the Bill.

SECTION 5. This section of the Bill now provides that it shall be unlawful to hunt, take or kill muskrats except during such periods as may be prescribed by the Lieutenant-Governor in Council in place of having fixed seasons.

SECTION 6. This section of the Bill clarifies the meaning of section 15 of the Act and provides that it will be necessary to obtain a permit from the Department before erecting or establishing a tourist outfitter's camp and defines the terms "tourist outfitter" and "camp."

Tourist outfitter's camp.

15.—(1) It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitter's camp in that part of Ontario comprising the Districts of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin and Temiskaming and those parts of the Districts of Parry Sound, Nipissing and Haliburton and the County of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.

Permit for tourist outfitter's camp.

(2) It shall be unlawful for any person to erect or establish or attempt to erect or establish a tourist outfitter's camp without first obtaining a permit from the Department.

"Tourist outfitter;" "Camp,"—meaning of.

(3) For the purposes of this section "tourist outfitter" shall mean any person who, for the purpose of catering to the tourist trade, operates a camp which supplies boats, canoes, tents, sleeping bags, blankets, utensils or any other equipment required for camping, hunting or angling and employs or provides licensed guides, and "camp" shall include any temporary or permanent structure, tent or house-boat maintained for the accommodation of paying guests.

Rev. Stat., c. 353, s. 19, subs. 2, re-enacted.

7. Subsection 2 of section 19 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Employment of guide when hunting moose.

(2) It shall be unlawful for any non-resident to hunt deer in the Districts of Rainy River and Kenora and for any non-resident to hunt moose in any part of Ontario without employing and being accompanied by a licensed guide while so hunting, provided that where two or more such non-residents hunt together the number of such licensed guides employed for such purpose shall be not less than one for every two such non-resident hunters.

Rev. Stat., c. 353, s. 40, amended.

8. Section 40 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

Cotton tail rabbits in Essex and Kent.

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one day in the counties of Essex and Kent.

Prohibition against selling, etc., cotton tail rabbits in Essex and Kent.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the counties of Essex and Kent.

SECTION 7. This section now provides that non-resident hunters, when hunting deer, shall employ and be accompanied by a licensed guide.

SECTION 8. This section limits the number of cotton tail rabbits that may be killed in any one day in Essex and Kent, and also prohibits the sale or purchase of cotton tail rabbits in the said counties.

Rev. Stat., c. 353, s. 45, re-enacted.

9. Section 45 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Use of automatic shot-gun prohibited.

45. It shall be unlawful for any person to hunt or shoot any protected or unprotected bird or animal with a shot-gun of the description known as "automatic" in which the recoil is utilized to reload the gun, or to carry a gun of this description for such purpose; provided that this section shall not apply to any automatic shot-gun which has been reconstructed and plugged so as to be incapable of holding more than two shells at one time, one shell in the barrel and the other in the magazine.

Rev. Stat., c. 353, s. 46, subs. 1, amended.

10. Subsection 1 of section 46 of *The Game and Fisheries Act* is amended by inserting after the word "camp" in the second line the words "or mining camp," and by inserting after the word "camp" in the fourth line the words "mining camp," so that the said subsection shall now read as follows:

Certain employees not to carry or possess firearms.

(1) It shall be unlawful for any person employed in any lumber camp or mining camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, mining camp, railway or other public work, any gun or other firearm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a firearm on a railway velocipede or handcar, whether propelled by hand or motor power.

Rev. Stat., c. 353, s. 49, subs. 9, re-enacted.

11.—(1) Subsection 9 of section 49 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Prohibition against exporting certain fish.

(9) It shall be unlawful for any person to export from Ontario any maskinonge, large-mouthed or small-mouthed black bass, speckled trout, brown trout, rainbow trout, or Aurora trout no matter where procured, provided that any non-resident angler fishing in provincial waters under a license may, upon leaving the Province, take with him the lawful catch of one day's fishing in the case of maskinonge and the lawful catch of two days' fishing in the case of other species of fish mentioned herein, and such catch shall be accompanied with the shipping coupon furnished with and detached from such license.

Rev. Stat., c. 353, s. 49, amended.

(2) The said section 49 is further amended by adding thereto the following subsection:

Artificial lights.

(10) It shall be unlawful for any person to use artificial lights for the taking of fish or frogs.

SECTION 9. Section 45 as re-enacted by this section of the Bill, clarifies the provision prohibiting the use of certain automatic shot-guns.

SECTION 10. The amendment made by this section of the Bill includes mining camps among the places in which it is unlawful for employees to carry or be in possession of firearms.

SECTION 11.—(1) Subsection 9 of section 49 as re-enacted permits the exporting from Ontario of two days' lawful catch of certain fish, in place of one day's catch.

(2) The proposed subsection 10 of section 49 of the Act provides that it shall be unlawful to use artificial lights for taking fish or frogs. This provision has been included in the Dominion Special Fishery Regulations.

No. 89

BILL

An Act to amend The Game and Fisheries Act.

1st Reading

March 29th, 1938

2nd Reading

3rd Reading

MR. NIXON (Brant)

1938

No. 89

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 89 1938

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Game and Fisheries Amendment Act, 1938.*

Rev. Stat., c. 353, s. 2, cl. *l*, repealed.

2. Clause *l* of section 2 of *The Game and Fisheries Act* is repealed.

Rev. Stat., c. 353, s. 6, subs. 1, cl. *x*, re-enacted.

3. Clause *x* of subsection 1 of section 6 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Hunting licenses, pheasants, rabbits.

(*x*) authorizing the issuing of licenses by townships and township organizations approved by the Department for the hunting of pheasants and rabbits within such townships and within the boundaries of the lands controlled by such township organizations for the purpose of this clause during the period within which the hunting of pheasants and rabbits is permitted by this Act and any Order-in-Council passed thereunder, and the charging of fees for issuing such licenses by such townships and township organizations.

Rev. Stat., c. 353, s. 7, cl. *b*, amended.

4.—(1) Clause *b* of section 7 of *The Game and Fisheries Act* is amended by adding at the end thereof the following words and subclauses "provided that the provisions of this clause shall not apply to moose in those parts of Ontario described in the following subclauses,—

Open season for moose not to apply.

."(i) That portion of Ontario bounded on the north by the road running east from Westree (on the line of the Canadian National Railway) through Shiningtree, Gowganda and Elk Lake to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial

boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement;

"(ii) That portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth of Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement."

(2) Clause *h* of the said section 7 is amended by adding at the end thereof the words "and in those parts of Ontario described in subclauses i and ii of clause *b*," so that the said clause shall now read as follows: Rev. Stat., c. 353, s. 7, cl. *h*, amended.

(*h*) any moose in that part of Ontario lying south of the French and Mattawa Rivers and in those parts of Ontario described in subclauses i and ii of clause *b*. Moose, south of the French and Mattawa Rivers.

5. Subsection 2 of section 9 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 353, s. 9, subs. 2, re-enacted.

(2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Muskrat.

6. Section 15 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 353, s. 15, re-enacted.

Tourist outfitter's camp.

15.—(1) It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitter's camp in that part of Ontario comprising the Districts of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin and Temiskaming and those parts of the Districts of Parry Sound, Nipissing and Haliburton and the County of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.

Permit for tourist outfitter's camp.

(2) It shall be unlawful for any person to erect or establish or attempt to erect or establish a tourist outfitter's camp without first obtaining a permit from the Department.

"Tourist outfitter;" "Camp,"— meaning of.

(3) For the purposes of this section "tourist outfitter" shall mean any person who, for the purpose of catering to the tourist trade, operates a camp which supplies boats, canoes, tents, sleeping bags, blankets, utensils or any other equipment required for camping, hunting or angling and employs or provides licensed guides, and "camp" shall include any temporary or permanent structure, tent or house-boat maintained for the accommodation of paying guests.

Rev. Stat., c. 353, s. 19, subs. 2, re-enacted.

7. Subsection 2 of section 19 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Employment of guide.

(2) It shall be unlawful for any non-resident to hunt deer in the Districts of Rainy River and Kenora and for any non-resident to hunt moose in any part of Ontario without employing and being accompanied by a licensed guide while so hunting, provided that where two or more such non-residents hunt together the number of such licensed guides employed for such purpose shall be not less than one for every two such non-resident hunters.

Rev. Stat., c. 353, s. 40, amended.

8. Section 40 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

Cotton tail rabbits in Essex and Kent.

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one day in the counties of Essex and Kent.

Prohibition against selling, etc., cotton tail rabbits in Essex and Kent.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the counties of Essex and Kent.

9. Section 45 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 353, s. 45, re-enacted.

45. It shall be unlawful for any person to hunt or shoot any protected or unprotected bird or animal with a shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun, or to carry a gun of this description for such purpose; provided that this section shall not apply to any automatic shotgun which has been reconstructed and plugged so as to be incapable of holding more than two shells at one time, one shell in the barrel and the other in the magazine. Use of automatic shotgun prohibited.

10. Subsection 1 of section 46 of *The Game and Fisheries Act* is amended by inserting after the word "camp" in the second line the words "or mining camp," and by inserting after the word "camp" in the fourth line the words "mining camp," so that the said subsection shall now read as follows: Rev. Stat., c. 353, s. 46, subs. 1, amended.

(1) It shall be unlawful for any person employed in any lumber camp or mining camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, mining camp, railway or other public work, any gun or other firearm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a firearm on a railway velocipede or handcar, whether propelled by hand or motor power. Certain employees not to carry or possess firearms.

11.—(1) Subsection 9 of section 49 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 353, s. 49, subs. 9, re-enacted.

(9) It shall be unlawful for any person to export from Ontario any maskinonge, large-mouthed or small-mouthed black bass, speckled trout, brown trout, rainbow trout, or Aurora trout no matter where procured, provided that any non-resident angler fishing in provincial waters under a license may, upon leaving the Province, take with him the lawful catch of one day's fishing in the case of maskinonge and the lawful catch of two days' fishing in the case of other species of fish mentioned herein, and such catch shall be accompanied with the shipping coupon furnished with and detached from such license. Prohibition against exporting certain fish.

(2) The said section 49 is further amended by adding thereto the following subsection: Rev. Stat., c. 353, s. 49, amended.

(10) It shall be unlawful for any person to use artificial lights for the taking of fish or frogs. Artificial lights.

BILL

An Act to amend The Game and Fisheries Act.

1st Reading

March 29th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. NIXON (Brant)

1938

No. 90

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Damage by Fumes Arbitration Act.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 90 1938

BILL

An Act to amend The Damage by Fumes Arbitration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1938.*

Rev. Stat., c. 51, s. 2, subs. 1, amended.

2. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act*, is amended by inserting after the word "ore" in the second line the words "or iron ore mined in Ontario," so that the said subsection shall now read as follows:

Where crops, etc., damaged by sulphur fumes.

(1) Where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickle-copper ore or iron ore mined in Ontario, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Rev. Stat., c. 51, s. 5, subs. 1, amended.

3.—(1) Subsection 1 of section 5 of *The Damage by Fumes Arbitration Act* is amended by inserting after the word "ore" in the fifth line the words "or iron ore mined in Ontario," so that the said subsection shall now read as follows:

Expenses,—how repayable to Province.

(1) A sum not exceeding $5,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore mined in Ontario.

Rev. Stat., c. 51, s. 5, subs. 2, amended.

(2) Subsection 2 of the said section 5 is amended by inserting after the word "ore" in the third line the words "or iron ore mined in Ontario," so that the said subsection shall now read as follows:

Arbitrator to assess companies liable.

(2) The arbitrator at the close of each calendar year, shall assess and apportion the amount for which each company smelting or roasting nickel-copper ore or

Explanatory Note

The purview of the Act is extended to include damage occasioned by sulphur fumes received from the smelting or roasting of iron ore mined in Ontario.

iron ore mined in Ontario, is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made shall be subject to the approval of the Minister of Mines.

BILL

An Act to amend The Damage by Fumes Arbitration Act.

1st Reading

March 29th, 1938

2nd Reading

3rd Reading

MR. LEDUC

1938

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Where crops, etc., damaged by sulphur fumes.

(1) Where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickle-copper ore or iron ore mined in Ontario, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Rev. Stat., c. 51, s. 5, subs. 1, amended.

3.—(1) Subsection 1 of section 5 of *The Damage by Fumes Arbitration Act* is amended by inserting after the word "ore" in the fifth line the words "or iron ore mined in Ontario," so that the said subsection shall now read as follows:

Expenses,—how repayable to Province.

(1) A sum not exceeding $5,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore mined in Ontario.

Rev. Stat., c. 51, s. 5, subs. 2, amended.

(2) Subsection 2 of the said section 5 is amended by inserting after the word "ore" in the third line the words "or iron ore mined in Ontario," so that the said subsection shall now read as follows:

Arbitrator to assess companies liable.

(2) The arbitrator at the close of each calendar year, shall assess and apportion the amount for which each company smelting or roasting nickel-copper ore or

iron ore mined in Ontario, is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made shall be subject to the approval of the Minister of Mines.

BILL

An Act to amend The Damage by Fumes Arbitration Act.

1st Reading

March 29th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. LEDUC

1938

No. 91

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to regulate Trade-schools.

MR. HUNTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 91 1938

BILL

An Act to regulate Trade-schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trade-schools Regulation Act, 1938*.

Interpretation.

2. In this Act,—

"Minister."

(*a*) "Minister" shall mean Minister of Education;

"Trade."

(*b*) "Trade" shall mean the skill and knowledge requisite for or intended for use in the construction, building, repair or operation of aeroplanes, steam engines, boilers, internal combustion engines or machinery of any kind, and any other occupation, calling or vocation designated as a trade by the regulations;

"Trade-school."

(*c*) "Trade-school" shall mean any school or place wherein any trade is taught or purported to be taught, or wherein any course of study by correspondence of a trade is organized, promoted, carried on, taught or purported to be taught other than a university recognized by the Department of Education or a school or course of instruction maintained under the provisions of any Act of this Legislature.

Operation of trade-school without registration prohibited.

3. No person shall keep or operate any trade-school unless he is registered pursuant to this Act.

Applications for registration of existing trade-schools.

4. Every person who, at the coming into operation of this Act is the keeper or operator of any trade-school shall, not later than thirty days after this Act comes into force, make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of each trade-school kept or operated by the applicant.

Explanatory Note

The Bill provides for the licensing, by the Department of Education, of trade-schools which include courses of study carried on by correspondence, but does not apply to trade-schools carried on by recognized universities or schools maintained under the Statutes of the Province, nor does it apply to trade-schools where the trade in which instruction is given is a designated trade within the provisions of *The Apprenticeship Act*.

Application for registration of future trade-schools.

5. After the coming into force of this Act, every person desirous of commencing the keeping or operating of a trade-school shall make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of the proposed trade-school.

Expiration and renewal of registration.

6. Every registration under this Act shall expire on the 31st day of December of the year in respect of which the registration is effected, and every person who is registered may make application to the Minister for the renewal of his registration in the same manner as is hereinbefore provided in the case of a first registration.

Certificate of registration.

7. Upon the applicant for registration or for renewal of registration, as the case may be, complying with the requirements of the Minister and satisfying him that the trade-school is provided with competent instructors and sufficient equipment for the teaching of any specified trade or trades, and is furnishing or is prepared to furnish proper instruction in such trade or trades, at reasonable rates, the Minister may cause the applicant to be registered as the keeper or operator of a trade-school for the teaching of the specified trade or trades, and may issue a certificate of registration accordingly.

Power to inspect trade-schools.

8. The Minister, or any person authorized by him in writing, may inspect any trade-school at any time during which it is being kept or operated, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets, and other material used for advertising the trade-school and the instruction afforded therein, and any person who obstructs the Minister or authorized person in making any inspection or observation or who refuses or neglects to produce any business book or record upon demand, shall be liable, on summary conviction to a fine of not more than $100, and in default of payment, to imprisonment for a term not exceeding two months.

Cancellation of registration.

9. If, as the result of any inspection of any trade-school, or upon being otherwise credibly informed, the Minister is satisfied that a trade-school in respect of which registration has been made under this Act is insufficiently provided with the means of instruction, or that the charges made for the instruction given are unreasonable, or that any regulation pursuant to the provisions of this Act is not observed therein, he may cancel the registration, and thereupon the registration and the certificate thereof shall be null and void.

Offences and penalties.

10. Every person who,—

(*a*) keeps or operates a trade-school at a time when he is not registered pursuant to this Act as the keeper or operator of that trade-school; or

(*b*) keeps or operates a trade-school for the purpose of giving instruction in a trade not specified in his certificate of registration; or

(*c*) enters into any contract for the furnishing of instruction in a trade other than the contract set out in the application for registration, or a contract which has been approved by the Minister;

shall, in addition to any other liability, be liable, upon summary conviction to a fine of not less than $100, and in default of payment to imprisonment for a term not exceeding six months.

Court proceedings.

11. No person who is not registered as the keeper or operator of a trade-school under the provisions of this Act shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in whole or in part within Ontario in the course of or in connection with business carried on by any trade-school.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the security to be provided by the keeper or operator of any trade-school for the due performance of his contracts;

(*b*) prescribing the accommodation and equipment required by trade-schools and the means of instruction to be used;

(*c*) prescribing the minimum number of hours of instruction in any trade which shall constitute a course of instruction in that trade;

(*d*) prescribing the maximum fees which shall be paid or received for a course of instruction in any trade;

(*e*) prescribing the terms and conditions upon which money paid for or on account of instruction in any trade-school shall be either retained by the payee or be repayable to the payer;

(*f*) prohibiting the use of any advertising relating to any trade-school which may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the keeper or operator of any trade-school;

(*g*) regulating the selling or offering for sale of any course of instruction offered by a trade-school;

(*h*) prescribing the amount that may be asked, charged, or received from the public for any article produced entirely or in part in any trade-school, or for the material used by or for the services of any employee or student of the trade-school;

(*i*) limiting the number or amount of articles, goods or commodities produced in any trade-school so that it may not compete unfairly with the production of similar articles, goods, or commodities in any factory or shop;

(*j*) fixing the times during which the public may obtain service in any trade-school;

(*k*) designating any occupation, calling or vocation as a trade within the meaning of this Act;

(*l*) exempting any trade or trade-school from the operation of this Act and the regulations;

(*m*) fixing the fees that shall be payable on applications for registration or renewal of registration under this Act;

(*n*) providing, in the case of any specified trade-school, that no certificate or other document as to the competency of any person shall be issued by that trade-school unless that person has submitted himself to such examination and by such persons as may be prescribed by the regulations, and prescribing fees for such examination and certificate;

(*o*) providing for the making of annual returns and the furnishing of information to the Minister by the keepers and operators of trade-schools;

(*p*) generally, as to the conduct, operation and management of trade-schools, and the nature of any examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall sit as examiners.

Application of Act. Rev. Stat., c. 192.

13. The provisions of this Act shall not apply to any trade which is a designated trade under *The Apprenticeship Act*.

Appointment of staff.

14. For the purpose of carrying out the provisions of this Act, the Lieutenant-Governor in Council may appoint such officers as may be considered necessary or expedient.

Commencement of Act.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

No. 91

BILL

An Act to regulate Trade-schools.

1st Reading

March 30th, 1938

2nd Reading

3rd Reading

MR. HUNTER

1938

No. 91

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to regulate Trade-schools.

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An Act to regulate Trade-schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trade-schools Regulation Act, 1938.*

Interpretation.

2. In this Act,—

"Minister."

(*a*) "Minister" shall mean Minister of Education;

"Trade."

(*b*) "Trade" shall mean the skill and knowledge requisite for or intended for use in the construction, building, repair or operation of aeroplanes, steam engines, boilers, internal combustion engines or machinery of any kind, and any other occupation, calling or vocation designated as a trade by the regulations;

"Trade-school."

(*c*) "Trade-school" shall mean any school or place wherein any trade is taught or purported to be taught, or wherein any course of study by correspondence of a trade is organized, promoted, carried on, taught or purported to be taught other than a university recognized by the Department of Education or a school or course of instruction maintained under the provisions of any Act of this Legislature.

Operation of trade-school without registration prohibited.

3. No person shall keep or operate any trade-school unless he is registered pursuant to this Act.

Applications for registration of existing trade-schools.

4. Every person who, at the coming into operation of this Act is the keeper or operator of any trade-school shall, not later than thirty days after this Act comes into force, make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of each trade-school kept or operated by the applicant.

Explanatory Note

The Bill provides for the licensing, by the Department of Education, of trade-schools which include courses of study carried on by correspondence, but does not apply to trade-schools carried on by recognized universities or schools maintained under the Statutes of the Province, nor does it apply to trade-schools where the trade in which instruction is given is a designated trade within the provisions of *The Apprenticeship Act*.

Application for registration of future trade-schools.

5. After the coming into force of this Act, every person desirous of commencing the keeping or operating of a trade-school shall make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of the proposed trade-school.

Expiration and renewal of registration.

6. Every registration under this Act shall expire on the 31st day of December of the year in respect of which the registration is effected, and every person who is registered may make application to the Minister for the renewal of his registration in the same manner as is hereinbefore provided in the case of a first registration.

Certificate of registration.

7. Upon the applicant for registration or for renewal of registration, as the case may be, complying with the requirements of the Minister and satisfying him that the trade-school is provided with competent instructors and sufficient equipment for the teaching of any specified trade or trades, and is furnishing or is prepared to furnish proper instruction in such trade or trades, at reasonable rates, the Minister may cause the applicant to be registered as the keeper or operator of a trade-school for the teaching of the specified trade or trades, and may issue a certificate of registration accordingly.

Power to inspect trade-schools.

8. The Minister, or any person authorized by him in writing, may inspect any trade-school at any time during which it is being kept or operated, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets, and other material used for advertising the trade-school and the instruction afforded therein, and any person who obstructs the Minister or authorized person in making any inspection or observation or who refuses or neglects to produce any business book or record upon demand, shall be liable, on summary conviction to a fine of not more than $100, and in default of payment, to imprisonment for a term not exceeding two months.

Cancellation of registration.

9. If, as the result of any inspection of any trade-school, or upon being otherwise credibly informed, the Minister is satisfied that a trade-school in respect of which registration has been made under this Act is insufficiently provided with the means of instruction, or that the charges made for the instruction given are unreasonable, or that any regulation pursuant to the provisions of this Act is not observed therein, he may cancel the registration, and thereupon the registration and the certificate thereof shall be null and void.

Offences and penalties.

10. Every person who,—

(*a*) keeps or operates a trade-school at a time when he is not registered pursuant to this Act as the keeper or operator of that trade-school; or

(*b*) keeps or operates a trade-school for the purpose of giving instruction in a trade not specified in his certificate of registration; or

(*c*) enters into any contract for the furnishing of instruction in a trade other than the contract set out in the application for registration, or a contract which has been approved by the Minister;

shall, in addition to any other liability, be liable, upon summary conviction to a fine of not less than $100, and in default of payment to imprisonment for a term not exceeding six months.

Court proceedings.

11. No person who is not registered as the keeper or operator of a trade-school under the provisions of this Act shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in whole or in part within Ontario or against any person domiciled in Ontario in the course of or in connection with business carried on by any trade-school.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the security to be provided by the keeper or operator of any trade-school for the due performance of his contracts;

(*b*) prescribing the accommodation and equipment required by trade-schools and the means of instruction to be used;

(*c*) prescribing the minimum number of hours of instruction in any trade which shall constitute a course of instruction in that trade;

(*d*) prescribing the maximum fees which shall be paid or received for a course of instruction in any trade;

(*e*) prescribing the terms and conditions upon which money paid for or on account of instruction in any trade-school shall be either retained by the payee or be repayable to the payer;

(*f*) prohibiting the use of any advertising relating to any trade-school which may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the keeper or operator of any trade-school;

(*g*) regulating the selling or offering for sale of any course of instruction offered by a trade-school;

(*h*) prescribing the amount that may be asked, charged, or received from the public for any article produced entirely or in part in any trade-school, or for the material used by or for the services of any employee or student of the trade-school;

(*i*) limiting the number or amount of articles, goods or commodities produced in any trade-school so that it may not compete unfairly with the production of similar articles, goods, or commodities in any factory or shop;

(*j*) fixing the times during which the public may obtain service in any trade-school;

(*k*) designating any occupation, calling or vocation as a trade within the meaning of this Act;

(*l*) exempting any trade or trade-school from the operation of this Act and the regulations;

(*m*) fixing the fees that shall be payable on applications for registration or renewal of registration under this Act;

(*n*) providing, in the case of any specified trade-school, that no certificate or other document as to the competency of any person shall be issued by that trade-school unless that person has submitted himself to such examination and by such persons as may be prescribed by the regulations, and prescribing fees for such examination and certificate;

(*o*) providing for the making of annual returns and the furnishing of information to the Minister by the keepers and operators of trade-schools;

(*p*) generally, as to the conduct, operation and management of trade-schools, and the nature of any examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall sit as examiners.

Application of Act. Rev. Stat., c. 192.

13. The provisions of this Act shall not apply to any trade which is a designated trade under *The Apprenticeship Act.*

Appointment of staff.

14. For the purpose of carrying out the provisions of this Act, the Lieutenant-Governor in Council may appoint such officers as may be considered necessary or expedient.

Commencement of Act.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

No. 91

BILL

An Act to regulate Trade-schools.

1st Reading

March 30th, 1938

2nd Reading

April 1st, 1938

3rd Reading

MR. HUNTER

(*Reprinted as amended by the Committee on Legal Bills.*)

No. 91

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to regulate Trade-schools.

MR. HUNTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 91 1938

BILL

An Act to regulate Trade-schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Trade-schools Regulation Act, 1938.*

Interpretation.

2. In this Act,—

"Minister."

(*a*) "Minister" shall mean Minister of Education;

"Trade."

(*b*) "Trade" shall mean the skill and knowledge requisite for or intended for use in the construction, building, repair or operation of aeroplanes, steam engines, boilers, internal combustion engines or machinery of any kind, and any other occupation, calling or vocation designated as a trade by the regulations;

"Trade-school."

(*c*) "Trade-school" shall mean any school or place wherein any trade is taught or purported to be taught, or wherein any course of study by correspondence of a trade is organized, promoted, carried on, taught or purported to be taught other than a university recognized by the Department of Education or a school or course of instruction maintained under the provisions of any Act of this Legislature.

Operation of trade-school without registration prohibited.

3. No person shall keep or operate any trade-school unless he is registered pursuant to this Act.

Applications for registration of existing trade-schools.

4. Every person who, at the coming into operation of this Act is the keeper or operator of any trade-school shall, not later than thirty days after this Act comes into force, make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of each trade-school kept or operated by the applicant.

Application for registration of future trade-schools.

5. After the coming into force of this Act, every person desirous of commencing the keeping or operating of a trade-school shall make application for registration in writing to the Minister in such form and with such particulars as he may prescribe in respect of the proposed trade-school.

Expiration and renewal of registration.

6. Every registration under this Act shall expire on the 31st day of December of the year in respect of which the registration is effected, and every person who is registered may make application to the Minister for the renewal of his registration in the same manner as is hereinbefore provided in the case of a first registration.

Certificate of registration.

7. Upon the applicant for registration or for renewal of registration, as the case may be, complying with the requirements of the Minister and satisfying him that the trade-school is provided with competent instructors and sufficient equipment for the teaching of any specified trade or trades, and is furnishing or is prepared to furnish proper instruction in such trade or trades, at reasonable rates, the Minister may cause the applicant to be registered as the keeper or operator of a trade-school for the teaching of the specified trade or trades, and may issue a certificate of registration accordingly.

Power to inspect trade-schools.

8. The Minister, or any person authorized by him in writing, may inspect any trade-school at any time during which it is being kept or operated, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets, and other material used for advertising the trade-school and the instruction afforded therein, and any person who obstructs the Minister or authorized person in making any inspection or observation or who refuses or neglects to produce any business book or record upon demand, shall be liable, on summary conviction to a fine of not more than $100, and in default of payment, to imprisonment for a term not exceeding two months.

Cancellation of registration.

9. If, as the result of any inspection of any trade-school, or upon being otherwise credibly informed, the Minister is satisfied that a trade-school in respect of which registration has been made under this Act is insufficiently provided with the means of instruction, or that the charges made for the instruction given are unreasonable, or that any regulation pursuant to the provisions of this Act is not observed therein, he may cancel the registration, and thereupon the registration and the certificate thereof shall be null and void.

Offences and penalties.

10. Every person who,—

(*a*) keeps or operates a trade-school at a time when he is not registered pursuant to this Act as the keeper or operator of that trade-school; or

(*b*) keeps or operates a trade-school for the purpose of giving instruction in a trade not specified in his certificate of registration; or

(*c*) enters into any contract for the furnishing of instruction in a trade other than the contract set out in the application for registration, or a contract which has been approved by the Minister;

shall, in addition to any other liability, be liable, upon summary conviction to a fine of not less than $100, and in default of payment to imprisonment for a term not exceeding six months.

Court proceedings.

11. No person who is not registered as the keeper or operator of a trade-school under the provisions of this Act shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in whole or in part within Ontario or against any person domiciled in Ontario in the course of or in connection with business carried on by any trade-school.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

(*a*) prescribing the security to be provided by the keeper or operator of any trade-school for the due performance of his contracts;

(*b*) prescribing the accommodation and equipment required by trade-schools and the means of instruction to be used;

(*c*) prescribing the minimum number of hours of instruction in any trade which shall constitute a course of instruction in that trade;

(*d*) prescribing the maximum fees which shall be paid or received for a course of instruction in any trade;

(*e*) prescribing the terms and conditions upon which money paid for or on account of instruction in any trade-school shall be either retained by the payee or be repayable to the payer;

(*f*) prohibiting the use of any advertising relating to any trade-school which may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the keeper or operator of any trade-school;

(*g*) regulating the selling or offering for sale of any course of instruction offered by a trade-school;

(*h*) prescribing the amount that may be asked, charged, or received from the public for any article produced entirely or in part in any trade-school, or for the material used by or for the services of any employee or student of the trade-school;

(*i*) limiting the number or amount of articles, goods or commodities produced in any trade-school so that it may not compete unfairly with the production of similar articles, goods, or commodities in any factory or shop;

(*j*) fixing the times during which the public may obtain service in any trade-school;

(*k*) designating any occupation, calling or vocation as a trade within the meaning of this Act;

(*l*) exempting any trade or trade-school from the operation of this Act and the regulations;

(*m*) fixing the fees that shall be payable on applications for registration or renewal of registration under this Act;

(*n*) providing, in the case of any specified trade-school, that no certificate or other document as to the competency of any person shall be issued by that trade-school unless that person has submitted himself to such examination and by such persons as may be prescribed by the regulations, and prescribing fees for such examination and certificate;

(*o*) providing for the making of annual returns and the furnishing of information to the Minister by the keepers and operators of trade-schools;

(*p*) generally, as to the conduct, operation and management of trade-schools, and the nature of any examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall sit as examiners.

Application of Act. Rev. Stat., c. 192.

13. The provisions of this Act shall not apply to any trade which is a designated trade under *The Apprenticeship Act*.

Appointment of staff.

14. For the purpose of carrying out the provisions of this Act, the Lieutenant-Governor in Council may appoint such officers as may be considered necessary or expedient.

Commencement of Act.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

NO. 91

BILL

An Act to regulate Trade-schools.

1st Reading

March 30th, 1938

2nd Reading

April 1st, 1938

3rd Reading

April 7th, 1938

MR. HUNTER

1938

No. 92

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Municipal Act.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 92 1938

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 24, subs. 6, amended.

1. Subsection 6 of section 24 of *The Municipal Act* is amended by striking out the word "inhabitants" in the second line and inserting in lieu thereof the words "resident householders," and by striking out the words "resident holders" in the fourth line, so that the said subsection shall now read as follows:

Declaration of incorporation.

(6) If it appears to the judge from the report that a majority of the resident householders present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 and no objection to the report or to the manner in which the meeting was conducted or the reeve and and councillors were chosen has been filed with the judge within ten days after the receipt by him of the report, the judge shall declare in writing (Form 1), the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*.

Rev. Stat., c. 266, s. 70, subs. 2, amended.

2.—(1) Subsection 2 of section 70 of *The Municipal Act* is amended by inserting after the word "resign" in the fourth line the words "whether or not he has filed the declaration mentioned in subsection 4," so that the said subsection shall now read as follows:

Resignation of person nominated.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to clarify the section by removing doubt as to who are entitled to vote for or against incorporation of a township in unorganized territory.

SECTION 2.—(1) Subsection 4 of section 70 requires a candidate to file a declaration of qualification within a certain time. The amendment provides that a candidate may resign after having filed such declaration.

(2) The procedure now existing in cities and towns is extended to townships bordering on cities having a population of not less than 100,000.

day, any person nominated for one or more offices may resign, whether or not he has filed the declaration mentioned in subsection 4, or may elect for which office he is to remain nominated, and in default he shall be deemed to be nominated for the office for which he was first nominated.

Rev. Stat., c. 266, s. 70, subs. 5, amended.

(2) Subsection 5 of the said section 70 is amended by inserting after the word "towns" in the first line the words "and townships bordering on a city having a population of not less than 100,000," so that the said subsection shall now read as follows:

Certificate as to taxes (cities and towns and townships bordering on a city).

(5) In cities and towns, and townships bordering on a city having a population of not less than 100,000, before making the declaration, the candidate shall submit to the treasurer or collector particulars of the land in respect of which he intends to qualify and shall procure from him and file with his declaration a certificate that there are no taxes of a preceding year or years against such land which are overdue and unpaid, and the clerk shall not place on the ballot paper the name of any candidate who fails to file such certificate with his declaration.

Rev. Stat., c. 266, s. 111, subs. 3, amended.

3. Subsection 3 of section 111 of *The Municipal Act* is amended by inserting after the word "clerk" in the third line the words "special constable," so that the said subsection shall now read as follows:

Certificate only to entitle officials who act.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, special constable, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Rev. Stat., c. 266, s. 283, subs. 1, cl. *d*, repealed.

4. Clause *d* of subsection 1 of section 283 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 310, re-enacted.

5.—(1) Section 310 of *The Municipal Act* is repealed and the following substituted therefor:

When rate of interest may be varied.

310.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued,

SECTION 3. "Special constable" is added so that the subsection will conform with subsection 1 of section 111.

SECTION 4. As the municipal income tax has been abolished, these words are now irrelevant.

SECTION 5. This amendment is required in order that municipal borrowings may be carried out advantageously.

the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,—

(*a*) a different rate of interest;

(*b*) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;

(*c*) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(*d*) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(*e*) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section.

(2) For the purposes of this section, the hypothecation of debentures under section 337 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Consolidation of debentures.

(3) The council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessments and levies.

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessmets are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commencement of section.

(2) This section shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat., c. 266, s. 430, amended.

6. The heading of section 430 of *The Municipal Act* is amended by striking out the words "having a population of not less than 100,000" in the second and third lines, so that the said heading shall now read as follows:

430. By-laws may be passed by the councils of counties, towns and of townships bordering on a city, and by boards of commissioners of police of cities:

SECTION 6. Townships bordering on any city will now have power to license, regulate and govern junk shops and yards and second-hand shops and dealers.

Rev. Stat., c. 266, s. 442, amended.

7. Section 442 of *The Municipal Act* is amended by adding at the end of the heading thereof the words "and of towns," so that the said heading shall now read as follows:

> **442. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships and villages bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000 and of towns:**

Rev. Stat., c. 266, Form 11, amended.

8. The second paragraph of clause *c* of paragraph 9 of Form 11 to *The Municipal Act* is repealed and the following substituted therefor:

> *In the case of a person claiming to vote in respect of a leasehold estate, insert here,* "That you were (*or* your wife was *or* your husband was) actually and truly in good faith possessed to your (*or* her *or* his) own use, and benefit as tenant of the land in respect of which your name is entered on such list." *And in the case of a wife or husband of a tenant, insert here,* "And your (wife *or* husband) is a resident of this municipality and has resided within it for one month next before this election."

SECTION 7. The right to license, regulate and govern coal and coke dealers and to hold tag days is extended to towns.

SECTION 8. The form of the oath is amended in order to carry out the provisions of clause (*d*) of subsection 1 of section 56 of *The Municipal Act*.

No. 92

BILL

An Act to amend The Municipal Act.

1st Reading

March 30th, 1938

2nd Reading

3rd Reading

MR. CROSS

1938

No. 93

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93 1938

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1938.*

Rev. Stat., c. 59, s. 32, amended.

2. Section 32 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsection:

Powers of Board with respect to debt.

(2) Where a municipality has become subject to this Part, the Board, with respect to the debenture debt and debentures of such municipality and interest thereon and with respect to any other indebtedness thereof, may,—

(*a*) authorize and order any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;

(*b*) authorize and order any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof;

Explanatory Notes

Section 2. The amendment extends the jurisdiction of the Municipal Board with respect to supervised municipalities so that the Board may more effectively adjust debts.

(*c*) summon and enforce the attendance of such persons as the Board thinks fit to summon;

and the Board shall direct that reasonable notice be given of any application under this subsection to every person whose interests it deems to be directly affected thereby and every order made under this subsection shall be binding upon every such person.

Rev. Stat., c. 59, s. 34, subs. 1, re-enacted.

3.—(1) Subsection 1 of section 34 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Publication of notice of intention to exercise powers.

(1) Where the Board upon application to it by the Department or the council or a separate school board or any of the creditors of the municipality intends to exercise any of the powers conferred on the Board under subsection 1 of section 32 or section 33, it shall, before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the Board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the Board, which time shall be not less than two months after the notice is published in the *Ontario Gazette*.

Rev. Stat., c. 59, s. 34, subs. 3, amended.

(2) Subsection 3 of section 34 of *The Department of Municipal Affairs Act* is amended by inserting after the word "under" in the first line the words and figure "subsection 1 of."

Rev. Stat., c. 59, s. 34, subs. 4, amended.

(3) Subsection 4 of section 34 of *The Department of Municipal Affairs Act* is amended by striking out all the words after the word "under" in the eighth line and inserting in lieu thereof the words "subsection 1 of section 32, it shall not be necessary that two months shall elapse as required under subsection 1."

Rev. Stat., c. 59, s. 43, amended.

4.—(1) Section 43 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections:

Easements.

(7) Where a tax arrears certificate is registered with respect to a dominant tenement, the easements appurtenant thereto shall be vested in and become the property of the municipality, and where a tax arrears certificate is registered with respect to a servient tenement, such registration shall not affect any easement to which it is subject.

Restrictive covenant.

(8) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of subsection 7.

SECTION 3. This amendment is complementary to section 2 of this Bill. The period of time between the publication of notice of intention to make an order and the hearing of the application is changed from 3 months to 2 months. Such notice must now be published in every case.

SECTION 4. These amendments make the law in connection with easements affected by the tax arrears certificate procedure uniform with the tax sales procedure.

Retroactive effect.

1936, c. 60.

1932, c. 27.
1935, c. 16.
Rev. Stat., c. 59.

(2) Subsection 1 shall, notwithstanding the provisions of subsection 1 of section 4 of *The Tax Sales Confirmation Act, 1936*, have effect from the 29th day of March, 1932, and shall apply to the land described in any tax arrears certificate registered pursuant to section 109 of *The Ontario Municipal Board Act, 1932*, section 44 of *The Department of Municipal Affairs Act, 1935*, or section 43 of *The Department of Municipal Affairs Act*.

Rev. Stat., c. 59, s. 47, subs. 2, amended.

5. Subsection 2 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after the word "Part" in the first line the words "Part VI of *The Ontario Municipal Board Act, 1932*, or Part III of *The Department of Municipal Affairs Act, 1935*."

Rev. Stat., c. 59, s. 40, subs. 2, amended.

6. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after the word "time" in the second line the word "of."

Rev. Stat., c. 59, s. 65, amended.

7. Section 65 of *The Department of Municipal Affairs Act* is amended by inserting after the figures "*1932*" in the fourth line the words "or Part III of *The Department of Municipal Affairs Act, 1935*."

SECTION 5. The subsection is extended to include all tax arrears certificates.

SECTION 6. Typographical omission corrected.

SECTION 7. This section provides that supervised municipalities which were originally made subject to the provisions of Part III of *The Department of Municipal Affairs Act, 1935*, shall continue under supervision pursuant to the provisions of Part III of the present Act.

No. 93

BILL

An Act to amend The Department of Municipal Affairs Act.

1st Reading

March 30th, 1938

2nd Reading

3rd Reading

Mr. Cross

1938

No. 93

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. CROSS

TORONTO
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No. 93 1938

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1938*.

Rev. Stat., c. 59, s. 32, amended.

2. Section 32 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsection:

Powers of Board with respect to debt.

(2) Where a municipality has become subject to this Part, the Board, with respect to the debenture debt and debentures of such municipality and interest thereon and with respect to any other indebtedness thereof, may,—

(*a*) authorize and order any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;

(*b*) authorize and order any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof;

(*c*) summon and enforce the attendance of such persons as the Board thinks fit to summon;

and the Board shall direct that reasonable notice be given of any application under this subsection to every person whose interests it deems to be directly affected thereby and every order made under this subsection shall be binding upon every such person.

Rev. Stat., c. 59, s. 34, subs. 1, re-enacted.

3.—(1) Subsection 1 of section 34 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Publication of notice of intention to exercise powers.

(1) Where the Board upon application to it by the Department or the council or a separate school board or any of the creditors of the municipality intends to exercise any of the powers conferred on the Board under subsection 1 of section 32 or section 33, it shall, before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the Board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the Board, which time shall be not less than two months after the notice is published in the *Ontario Gazette*.

Rev. Stat., c. 59, s. 34, subs. 3, amended.

(2) Subsection 3 of the said section 34 is amended by inserting after the word "under" in the first line the words and figure "subsection 1 of."

Rev. Stat., c. 59, s. 34, subs. 4, amended.

(3) Subsection 4 of the said section 34 is amended by striking out all the words after the word "under" in the eighth line and inserting in lieu thereof the words "subsection 1 of section 32, it shall not be necessary that two months shall elapse as required under subsection 1."

Rev. Stat., c. 59, s. 43, amended.

4.—(1) Section 43 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections:

Easements.

(7) Where a tax arrears certificate is registered with respect to a dominant tenement, the easements appurtenant thereto shall be vested in and become the property of the municipality, and where a tax arrears certificate is registered with respect to a servient tenement, such registration shall not affect any easement to which it is subject.

Restrictive covenant.

(8) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of subsection 7.

Retroactive effect.

1936, c. 60.

1932, c. 27.

1935, c. 16.

Rev. Stat., c. 59.

(2) Subsection 1 shall, notwithstanding the provisions of subsection 1 of section 4 of *The Tax Sales Confirmation Act, 1936*, have effect from the 29th day of March, 1932, and shall apply to the land described in any tax arrears certificate registered pursuant to section 109 of *The Ontario Municipal Board Act, 1932*, section 44 of *The Department of Municipal Affairs Act, 1935*, or section 43 of *The Department of Municipal Affairs Act*.

Rev. Stat., c. 59, s. 47, subs. 2, amended.

5. Subsection 2 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after the word "Part" in the first line the words "Part VI of *The Ontario Municipal Board Act, 1932*, or Part III of *The Department of Municipal Affairs Act, 1935*."

Rev. Stat., c. 59, s. 40, subs. 2, amended.

6. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after the word "time" in the second line the word "of."

Rev. Stat., c. 59, s. 65, amended.

7. Section 65 of *The Department of Municipal Affairs Act* is amended by inserting after the figures "*1932*" in the fourth line the words "or Part III of *The Department of Municipal Affairs Act, 1935*."

BILL

An Act to amend The Department of Municipal Affairs Act.

1st Reading

March 30th, 1938

2nd Reading

April 5th, 1938

3rd Reading

April 7th, 1938

Mr. Cross

No. 94

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Highway Improvement Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 94 1938

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Improvement Amendment Act, 1938.*

Rev. Stat., c. 56, s. 1, amended.

2. Section 1 of *The Highway Improvement Act* is amended by inserting therein the following clauses:

"Development road."

(*cc*) "Development road" shall mean a road so designated under the provisions of this Act;

"Local municipality."

(*ee*) "Local municipality" shall mean city, town, village and township;

"Secondary road."

(*j*) "Secondary road" shall mean a road so designated under the provisions of this Act.

Rev. Stat., c. 56, s. 46, subs. 1, amended.

3. Subsection 1 of section 46 of *The Highway Improvement Act* is amended by striking out the words "and in which money is not being expended under *The Colonization Roads Act*" in the second and third lines, so that the said subsection, exclusive of the clauses thereof, shall now read as follows:

Grants in aid of township road work.

(1) The council of a township which has abolished statute labour may submit to the Department for approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,—

. . . . . .

Rev. Stat., c. 56, s. 47, subs. 1, amended.

4. Subsection 1 of section 47 of *The Highway Improvement Act* is amended by striking out the word "forty" in the seventh line and inserting in lieu thereof the word "fifty," so that the said subsection, exclusive of clause *a*, shall now read as follows:

EXPLANATORY NOTES

SECTION 2. Provision is made in this Bill for designation of roads as "development roads" and "secondary roads" and these two terms are accordingly defined. "Local municipality" is defined to have the same meaning as in *The Municipal Act*.

SECTION 3. This amendment is made because all townships which have abolished statute labour will receive aid under *The Highway Improvement Act* and not under *The Colonization Roads Act*.

SECTION 4. This amendment is in accordance with the present practice of paying a general subsidy of fifty per centum to townships.

Township road subsidy.

(1) When approved by the Department the work or expenditure of any class mentioned in section 46 shall be carried out in accordance with the regulations of the Department with regard thereto, and upon the completion of any such work or expenditure, the council of the township may submit to the Department an application for a provincial subsidy equivalent to fifty per centum of the amount of the township funds expended thereon; but where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may recommend that there be paid to the township such an additional amount as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds so expended, and such additional aid shall be in lieu of any other grant to which the township may be entitled under any other Act:

. . . . . .

Rev. Stat., c. 56, amended.

5. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART Va

Secondary and Development Roads

Secondary roads.

79*a*.—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister may designate as a secondary road any road under the jurisdiction of the local municipality or any road situate in an unorganized part of Ontario.

Development roads.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may designate as a development road any road or proposed road which he deems necessary or expedient to construct or improve in order to promote the settlement or development of any part of Ontario.

Non-liability of Crown re secondary and development roads.

(3) A road shall not by reason of its designation as a secondary or development road become or be the property or responsibility of the Crown, nor shall the Department be required to maintain or keep such road in repair or be liable for damage sustained by any person upon any such road, and no action shall lie against the Minister, the Department or the Crown in right of Ontario in respect to any damage caused by the condition of any such road.

SECTION 5. Provision is made for the designation of secondary and development roads.

Powers of Minister as to secondary and development roads.

79*b*. The Department may undertake the construction and improvement of any secondary or development road, and in respect to such roads the Minister shall have and may exercise all the powers conferred upon him by Part V and, subject to section 79*a*, the provisions of Part V shall apply to such roads *mutatis mutandis*.

Rev. Stat., c. 56, s. 85, subs. 4, amended.

6. Subsection 4 of section 85 of *The Highway Improvement Act* is amended by striking out the word "township" in the first line and inserting in lieu thereof the word "municipality," by striking out the words "the township" in the seventh line and inserting in lieu thereof the words "such municipality," and by striking out the word "forty" in the eighth line and inserting in lieu thereof the word "fifty," so that the said subsection shall now read as follows:

Sidewalks and footpaths on the King's Highway.

(4) The council of a municipality may apply to the Department for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Department may grant such authority, and upon the completion of the work may approve of the same at its discretion, and upon such approval being given the Minister may authorize the payment to such municipality out of the Fund of an amount not exceeding fifty per centum of the cost of the work.

SECTION 6. This amendment renders the section consistent with the policy of making the subsidy available to all municipalities.

BILL

An Act to amend The Highway Improvement Act.

1st Reading

March 30th, 1938

2nd Reading

3rd Reading

Mr. McQuesten

No. 95

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

MR. HEPBURN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 95 1938

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1938.*

Loan of $40,000,000 authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Forty Million Dollars ($40,000,000).

Terms to be fixed by Lieutenant-Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act.*

Rev. Stat., c. 22.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 95

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

1st Reading

March 31st, 1938

2nd Reading

3rd Reading

MR. HEPBURN

1938

No. 95

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 95 1938

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1938.*

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Terms to be fixed by Lieutenant-Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act.*

Rev. Stat., c. 22.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 95

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

1st Reading

March 31st, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th. 1938

MR. HEPBURN (Elgin)

1938

No. 96

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act to amend The Conditional Sales Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 96 1938

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Conditional Sales Amendment Act, 1938.*

Rev. Stat., c. 182, s. 2, subs. 1, cl. *b*, amended.

2. Clause *b* of subsection 1 of section 2 of *The Conditional Sales Act* is amended by adding at the end thereof the words "and the renewal statement, if any, is filed as provided in section 3*b*," so that the said clause shall now read as follows:

(*b*) within ten days after the execution of the contract a true copy of it is filed in the office of the clerk of the county or district court of the county or district in which the purchaser, proposed purchaser or hirer resided at the time of the sale or hiring and the renewal statement, if any, is filed as provided in section 3*b*.

Rev. Stat., c. 182, amended.

3. *The Conditional Sales Act* is amended by adding thereto the following section:

Renewal statement to be filed.

3*b*.—(1) Every copy of a contract filed in pursuance of this Act shall cease to be valid as against the creditors of the purchaser, proposed purchaser or hirer and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer, without notice in good faith and for valuable consideration, at the expiration of three years from the day of the filing of such copy unless within thirty days next preceding the expiration of three years from the day of filing such copy, a renewal statement (Form 4) has been filed in the same office in which the original copy of the contract was filed showing:

(*a*) the name and residence of the seller or lender and the name and residence of the purchaser, proposed purchaser or hirer;

EXPLANATORY NOTES.

GENERAL.—The Bill (a) provides for the renewal of conditional sales agreements filed in county court offices three years after the filing thereof and (b) clarifies the rights and priorities as between mortgagees holding "building mortgages" and conditional sale vendors of goods which are affixed or placed or are to be affixed or placed on the premises.

SECTION 2. The section amends section 2 of the Act to render it consistent with the provisions contained in section 3 of the Bill.

SECTION 3. Provides for the filing of renewal statements of conditional sales contracts and of prior renewal statements.

(*b*) a brief description of the goods;

(*c*) the amount of the contract price and an itemized statement of all payments, if any, made on account thereof, and the unpaid balance.

Who to sign renewal statement.

(2) The renewal statement shall be signed by the seller or lender or his assignee, personal representative or authorized agent, and shall be verified by the affidavit (Form 5) of such seller or lender, assignee, personal representative or agent having personal knowledge of the matters required to be verified, and the affidavit of such assignee, personal representative or agent shall state that he has such knowledge.

Validity of renewal statement.

(3) Every renewal statement filed in pursuance of this Act shall cease to be valid as against the creditors of the purchaser, proposed purchaser or hirer and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer, without notice in good faith and for valuable consideration at the expiration of three years from the day of the filing of such renewal statement unless within thirty days next preceding the expiration of three years from the day of filing such renewal statement a further renewal statement in like form has been filed in the same office.

Hire receipt.

(4) The provisions of this section shall apply to the case of a hire receipt where the hirer is given an option to purchase.

Rev. Stat., c. 182, s. 4, amended.

4.—(1) Section 4 of *The Conditional Sales Act* is amended by inserting after the word "contract" in the second line the words "or renewal statement," so that the said section, exclusive of the clauses thereof, shall now read as follows:

Index and fees.

4. The clerk of the county or district court shall make a record of every contract or renewal statement of which a copy is filed in his office under this Act, in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

. . . . . .

Rev. Stat., c. 182, s. 4, amended.

(2) The said section 4 is further amended by adding thereto the following clause:

(*aa*) For filing each copy of a renewal statement and making a record thereof..... $0.50

Rev. Stat., c. 182, s. 4, cl. *d*, repealed.

(3) Clause *d* of the said section 4 is repealed.

SECTIONS 4 AND 5. Sections 4 and 5 of the Act are brought into line with the amendments made by section 3 of the Bill. Also clause (*d*) of section 4 is repealed as it is not used and is found by the county court clerks to be confusing.

Rev. Stat., c. 182, s. 5, amended.

5. Section 5 of *The Conditional Sales Act* is amended by inserting after the word "contract" in the second line the words "or renewal statement," so that the said section shall now read as follows:

Immaterial errors.

5. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement which does not mislead shall not invalidate the filing or destroy the effect of it.

Rev. Stat., c. 182, s. 8, subs. 1, amended.

6.—(1) Subsection 1 of section 8 of *The Conditional Sales Act* is amended by inserting after the figure "2" in the first line the words and figures "and section 12," so that the said subsection shall now read as follows:

Goods affixed to realty subject to rights of seller or lender.

(1) Subject to the provisions of subsection 2 and section 12, where the goods other than building material have been affixed to realty they shall remain subject to the rights of the seller or lender as fully as they were before being so affixed, but the owner of such realty or any purchaser or any mortgagee or other incumbrancer thereof shall have the right as against the seller or lender or other person claiming through or under him to retain the goods upon payment of the amount owing on them.

Rev. Stat., c. 182, s. 8, subs. 2, amended.

(2) Subsection 2 of the said section 8 is amended by inserting after the word "filing" in the tenth line the word "renewal," so that the said subsection shall now read as follows:

Mining machinery subject to rights of seller or lender.

(2) Where the goods consist of mining machinery or appliances on a mining claim for which the patent or lease, as the case may be, has not issued, they shall remain subject to the rights of the seller or lender whether they have been affixed to the realty or otherwise as fully as they were before being so affixed, and the hire receipt or conditional sale contract or a copy thereof may be filed with the recorder of the mining division in the same manner as a hire receipt or conditional sale contract may be filed with the clerk of the county or district court, and the provisions of this Act with regard to filing, renewal and discharge shall *mutatis mutandis* apply.

Rev. Stat., c. 182, s. 12, subs. 1, cl. *d*, amended.

7.—(1) Clause *d* of subsection 1 of section 12 of *The Conditional Sales Act* is amended by striking out the words "owned by the purchaser, or in which he has any interest to which the goods are to be affixed" in the first, second and third lines, and inserting in lieu thereof the words "upon which the goods are affixed or placed or are to be affixed or placed," so that the said clause shall now read as follows:

SECTION 6.—(1) Subsection 1 of section 8 of the Act is made subject to the provisions of section 12. This is an enactment which should have been made when section 12 was enacted in 1933.

(2) This amendment is complementary to that contained in section 3 of the Bill.

SECTION 7.—(1) The amendment provides that notice of any hire receipt or conditional sale contract registered in a registry office or land titles office shall contain a description of the land "to which the goods are affixed or placed or are to be affixed or placed," instead of a description of the land "owned by the purchaser, or in which he has an interest to which the goods are to be affixed" because in some cases the purchaser of the goods is not interested in the land where the goods are to be affixed or placed as, for instance, in the case of a husband buying goods which are to be affixed to property owned by his wife.

Description of the land.

(*d*) a description of the land upon which the goods are affixed or placed or are to be affixed or placed, sufficient for the purpose of registration, and where the land is registered under *The Land Titles Act*, also a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office.

Rev. Stat., c. 182, s. 12, subs. 3, re-enacted.

(2) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

Rights of mortgagee or chargee.

(3) Where the goods have become affixed to such land or are fixtures and there is already registered against the land a mortgage or charge, all payments or advances made on such mortgage or charge after such goods have become affixed or have become fixtures and before registration of notice of such conditional sale contract or hire receipt as provided in this section shall have priority over the rights of the vendor or lender under such conditional sale contract or hire receipt.

Rev. Stat., c. 182, s. 12, subs. 5, amended.

(3) Subsection 5 of the said section 12 is amended by adding at the commencement thereof the words "A notice of," and by adding at the end the words "provided that an affidavit of execution shall not be necessary where the discharge is executed under the seal of a corporation," so that the said subsection shall now read as follows:

Discharge.

(5) A notice of a hire receipt or conditional sale agreement registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the vendor, his authorized agent, assignee or personal representative, accompanied by an affidavit of execution; provided that an affidavit of execution shall not be necessary where the discharge is executed under the seal of a corporation.

Rev. Stat., c. 182, Sched., Form 1, amended.

8.—(1) Form 1 in the Schedule of Forms to *The Conditional Sales Act* is amended by inserting after the word "affixed" at the end of the seventh line the words "or placed or are to be affixed or placed," so that the said Form shall now read as follows:

FORM 1.

(*Referred to in section 12 (1).*)

NOTICE OF CONDITIONAL SALE CONTRACT OR HIRE RECEIPT.

I, *A.B.*.....(*Name of vendor, assignee, personal representative, or agent of vendor*),.....of the..... (*Fill in place of residence*),.....(*Set out facts whether vendor, assignee, personal representative or agent of vendor*)..... hereby give notice that.....(*Set out short description of goods*).....was sold under a conditional sale agreement to .....(*Name of purchaser*).....of.....(*Fill in place of residence*).

(2) The re-enactment of subsection 3 of section 12 of the Act clarifies the rights as between mortgagees of real property and conditional sale vendors by providing that where mortgage moneys are advanced in instalments the mortgagee shall be protected to the extent of any instalments made after the supplying of such goods and before registration of notice of the conditional sale agreement. The provision only affects conditional sale vendors where the goods become affixed to the land or are fixtures.

(3) The words "A notice of" are inserted at the commencement of subsection 5 of section 12 of the Act because the Act provides only for the filing of a notice of a hire receipt or conditional sale agreement and accordingly it is the notice which is to be discharged rather than the hire receipt or conditional sale agreement, and the proviso added at the end of the subsection renders the Act consistent with the usual practice applicable to executed instruments,—namely, that where execution is by a corporation with a corporate seal, no affidavit verifying the execution is necessary.

SECTION 8.—(1) Form 1 is rendered consistent with the wording of clause (d) of subsection 1 of section 12.

The amount owing thereon is $.....

The following is a description of the land upon which the goods are affixed or placed or are to be affixed or placed.....
.....
.....
.....

This notice is given for the purpose of registration in the .....(*Registry or Land Titles Office*).....of..... (*Set out city, county or district*).....

Dated.....this.....day of.....19....
.....
(*Signature of vendor or agent, etc., as the case may be.*)

Rev. Stat., c. 182, Sched., amended.

(2) The said Schedule of Forms is further amended by adding thereto the following forms:

FORM 4.

(*Referred to in section 3b (1).*)

RENEWAL STATEMENT.

Statement exhibiting the interest of.....of the (*Place of residence*)....., the seller (*or* lender, assignee, personal representative or authorized agent of the seller or lender).....of.....(*Brief description of goods*).....
.....
mentioned in the contract made between.....of the .....(*Place of residence*).....as seller (*or* lender) and....., of the.....(*Place of residence*) as purchaser (*or* proposed purchaser *or* hirer) a copy of which conditional sales contract (*or* hire receipt) was filed in the office of the clerk of the.....court of.....of.....on the .....day of.....19...., and of the unpaid balance.

Contract price $.....
Payments on account $.....
Unpaid balance $.....

Dated this.....day of
.....19....
.....
(*Signature of seller or lender, as the case may be*).

FORM 5.

(*Referred to in section 3b (2).*)

CERTIFICATE OF VERIFICATION.

I, *A.B.*, the....., named in the above (*or* annexed) renewal statement make oath and say:

1. That the facts set out therein are true and the conditional sale contract (*or* hire receipt) mentioned herein is not being kept on foot for fraudulent purposes.

[*Where the affidavit is made by the assignee, personal representative or agent of the seller or lender, a clause shall be added to the following effect:*

2. That I have full knowledge of the facts set forth in the above (*or* annexed) renewal statement.]

Sworn, etc. .....

(2) Forms referred to in the new renewal provision are prescribed.

Commencement of ss. 2-5, s. 6, subs. 2, s. 8, subs. 2.

9. The amendments made by sections 2, 3, 4, 5, subsection 2 of section 6 and subsection 2 of section 8 shall come into force on the 1st day of July, 1938, and for the purpose of computing the date upon which a renewal statement is required to be filed, all copies of contracts filed in the office of the clerk of a county or district court prior to the 1st day of July, 1938, shall be deemed to have been filed on such date.

No. 96

BILL

An Act to amend The Conditional Sales Act.

1st Reading

April 1st, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 96

2nd Session, 20th Legislature, Ontario
2 George VI, 1938

BILL

An Act to amend The Conditional Sales Act.

Mr. Conant

TORONTO
Printed by T. E. Bowman
Printer to the King's Most Excellent Majesty

No. 96 1938

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Conditional Sales Amendment Act, 1938.*

Rev. Stat., c. 182, s. 2, subs. 1, cl. *b*, amended.

2. Clause *b* of subsection 1 of section 2 of *The Conditional Sales Act* is amended by adding at the end thereof the words "and the renewal statement, if any, is filed as provided in section 3*b*," so that the said clause shall now read as follows:

(*b*) within ten days after the execution of the contract a true copy of it is filed in the office of the clerk of the county or district court of the county or district in which the purchaser, proposed purchaser or hirer resided at the time of the sale or hiring and the renewal statement, if any, is filed as provided in section 3*b*.

Rev. Stat., c. 182, amended.

3. *The Conditional Sales Act* is amended by adding thereto the following section:

Renewal statement to be filed.

3*b*.—(1) Every contract, of which a copy has been filed in pursuance of this Act, shall cease to be valid as against the creditors of the purchaser, proposed purchaser or hirer and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer, without notice in good faith and for valuable consideration, at the expiration of three years from the day of the filing of such copy unless within thirty days next preceding the expiration of three years from the day of filing such copy, a renewal statement (Form 4) has been filed in the same office in which the original copy of the contract was filed showing:

(*a*) the name and residence of the seller or lender and the name and residence of the purchaser, proposed purchaser or hirer;

(*b*) a brief description of the goods;

(*c*) the amount of the contract price and an itemized statement of all payments, if any, made on account thereof, and the unpaid balance.

Who to sign renewal statement.

(2) The renewal statement shall be signed by the seller or lender or his assignee, personal representative or authorized agent, and shall be verified by the affidavit (Form 5) of such seller or lender, assignee, personal representative or agent having personal knowledge of the matters required to be verified, and the affidavit of such assignee, personal representative or agent shall state that he has such knowledge.

Validity of renewal statement.

(3) Every contract in respect of which a renewal statement has been filed in pursuance of this Act shall cease to be valid as against the creditors of the purchaser, proposed purchaser or hirer and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer, without notice in good faith and for valuable consideration at the expiration of three years from the day of the filing of such renewal statement unless within thirty days next preceding the expiration of three years from the day of filing such renewal statement a further renewal statement in like form has been filed in the same office.

Hire receipt.

(4) The provisions of this section shall apply to the case of a hire receipt where the hirer is given an option to purchase.

Rev. Stat., c. 182, s. 4, amended.

4.—(1) Section 4 of *The Conditional Sales Act* is amended by inserting after the word "contract" in the second line the words "or renewal statement," so that the said section, exclusive of the clauses thereof, shall now read as follows:

Index and fees.

4. The clerk of the county or district court shall make a record of every contract or renewal statement of which a copy is filed in his office under this Act, in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

. . . . . .

Rev. Stat., c. 182, s. 4, amended.

(2) The said section 4 is further amended by adding thereto the following clause:

(*aa*) For filing each copy of a renewal statement and making a record thereof..... $0.50

Rev. Stat., c. 182, s. 4, cl. *d*, repealed.

(3) Clause *d* of the said section 4 is repealed.

Rev. Stat., c. 182, s. 5, amended.

5. Section 5 of *The Conditional Sales Act* is amended by inserting after the word "contract" in the second line the words "or renewal statement," so that the said section shall now read as follows:

Immaterial errors.

5. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement which does not mislead shall not invalidate the filing or destroy the effect of it.

Rev. Stat., c. 182, s. 8, subs. 1, amended.

6.—(1) Subsection 1 of section 8 of *The Conditional Sales Act* is amended by inserting after the figure "2" in the first line the words and figures "and section 12," so that the said subsection shall now read as follows:

Goods affixed to realty subject to rights of seller or lender.

(1) Subject to the provisions of subsection 2 and section 12, where the goods other than building material have been affixed to realty they shall remain subject to the rights of the seller or lender as fully as they were before being so affixed, but the owner of such realty or any purchaser or any mortgagee or other incumbrancer thereof shall have the right as against the seller or lender or other person claiming through or under him to retain the goods upon payment of the amount owing on them.

Rev. Stat., c. 182, s. 8, subs. 2, amended.

(2) Subsection 2 of the said section 8 is amended by inserting after the word "filing" in the tenth line the word "renewal," so that the said subsection shall now read as follows:

Mining machinery subject to rights of seller or lender.

(2) Where the goods consist of mining machinery or appliances on a mining claim for which the patent or lease, as the case may be, has not issued, they shall remain subject to the rights of the seller or lender whether they have been affixed to the realty or otherwise as fully as they were before being so affixed, and the hire receipt or conditional sale contract or a copy thereof may be filed with the recorder of the mining division in the same manner as a hire receipt or conditional sale contract may be filed with the clerk of the county or district court, and the provisions of this Act with regard to filing, renewal and discharge shall *mutatis mutandis* apply.

Rev. Stat., c. 182, s. 12, subs. 1, cl. *d*, amended.

7.—(1) Clause *d* of subsection 1 of section 12 of *The Conditional Sales Act* is amended by striking out the words "owned by the purchaser, or in which he has any interest to which the goods are to be affixed" in the first, second and third lines, and inserting in lieu thereof the words "upon which the goods are affixed or placed or are to be affixed or placed," so that the said clause shall now read as follows:

(*d*) a description of the land upon which the goods are affixed or placed or are to be affixed or placed, sufficient for the purpose of registration, and where the land is registered under *The Land Titles Act*, also a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. Description of the land.

(2) The said section 12 is further amended by adding thereto the following subsection: Rev. Stat., c. 182, s. 12, amended.

(3*a*) Where the goods have become affixed to such land or are fixtures and there is already registered against the land a mortgage or charge, all payments or advances made on such mortgage or charge after such goods have become affixed or have become fixtures and before registration of notice of such conditional sale contract or hire receipt as provided in this section shall have priority over the rights of the vendor or lender under such conditional sale contract or hire receipt. Rights of mortgagee or chargee.

(3) Subsection 5 of the said section 12 is amended by adding at the commencement thereof the words "A notice of," and by adding at the end the words "provided that an affidavit of execution shall not be necessary where the discharge is executed under the seal of a corporation," so that the said subsection shall now read as follows: Rev. Stat., c. 182, s. 12, subs. 5, amended.

(5) A notice of a hire receipt or conditional sale agreement registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the vendor, his authorized agent, assignee or personal representative, accompanied by an affidavit of execution; provided that an affidavit of execution shall not be necessary where the discharge is executed under the seal of a corporation. Discharge.

8.—(1) Form 1 in the Schedule of Forms to *The Conditional Sales Act* is amended by inserting after the word "affixed" at the end of the seventh line the words "or placed or are to be affixed or placed," so that the said Form shall now read as follows: Rev. Stat., c. 182, Sched., Form 1, amended.

FORM 1.

(*Referred to in section 12 (1).*)

NOTICE OF CONDITIONAL SALE CONTRACT OR HIRE RECEIPT.

I, *A.B.*.....(*Name of vendor, assignee, personal representative, or agent of vendor*),.....of the..... (*Fill in place of residence*),.....(*Set out facts whether vendor, assignee, personal representative or agent of vendor*)..... hereby give notice that.....(*Set out short description of goods*).....was sold under a conditional sale agreement to .....(*Name of purchaser*).....of.....(*Fill in place of residence*).

The amount owing thereon is $.....

The following is a description of the land upon which the goods are affixed or placed or are to be affixed or placed.....
.....
.....
.....

This notice is given for the purpose of registration in the .....(*Registry or Land Titles Office*).....of..... (*Set out city, county or district*).....

Dated.....this.....day of.....19....
.....
(*Signature of vendor or agent, etc., as the case may be.*)

Rev. Stat., c. 182, Sched., amended.

(2) The said Schedule of Forms is further amended by adding thereto the following forms:

FORM 4.

(*Referred to in section 3b (1).*)

RENEWAL STATEMENT.

Statement exhibiting the interest of.....of the (*Place of residence*)....., the seller (*or* lender, assignee, personal representative or authorized agent of the seller or lender).....of.....(*Brief description of goods*).....
.....
mentioned in the contract made between.....of the .....(*Place of residence*).....as seller (*or* lender) and....., of the.....(*Place of residence*) as purchaser (*or* proposed purchaser *or* hirer) a copy of which conditional sales contract (*or* hire receipt) was filed in the office of the clerk of the.....court of.....of.....on the .....day of.....19...., and of the unpaid balance.

Contract price $.....
Payments on account $.....
Unpaid balance $.....

Dated this.....day of
.....19....
.....
(*Signature of seller or lender, as the case may be*).

FORM 5.

(*Referred to in section 3b (2).*)

AFFIDAVIT OF VERIFICATION.

I, *A.B.*, the.....,* named in the above (*or* annexed) renewal statement make oath and say:

1. That the facts set out therein are true and the conditional sale contract (*or* hire receipt) mentioned herein is not being kept on foot for fraudulent purposes.

[*Where the affidavit is made by the assignee, personal representative or agent of the seller or lender, a clause shall be added to the following effect:*

2. That I have full knowledge of the facts set forth in the above (*or* annexed) renewal statement.]

Sworn, etc. .....

9. The amendments made by sections 2, 3, 4, 5, subsection 2 of section 6 and subsection 2 of section 8 shall come into force on the 1st day of July, 1938, and for the purpose of computing the date upon which a renewal statement is required to be filed, all copies of contracts filed in the office of the clerk of a county or district court prior to the 1st day of July, 1938, shall be deemed to have been filed on such date. Commencement of ss. 2-5; s. 6, subs. 2; s. 8, subs. 2.

No. 96

BILL

An Act to amend The Conditional Sales Act.

1st Reading

April 1st, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. CONANT

1938

No. 97

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Statute Law Amendment Act, 1938.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 97 1938

BILL

The Statute Law Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Statute Law Amendment Act, 1938.*

Rev. Stat., c. 272, s. 39, amended.

2.—(1) Section 39 of *The Assessment Act* is amended by adding there to the following subsection:

Reforested lands.

(12) Land which has been planted for forestation or re-reforestation purposes shall not be assessed at a greater value by reason only of such planting.

Rev. Stat., c. 272, s. 66, subss. 1, 2, re-enacted.

(2) Subsections 1 and 2 of section 66 of *The Assessment Act* are repealed and the following substituted therefor:

Constitution of court in municipalities other than cities.

(1) In municipalities other than cities, the court of revision shall consist of five members appointed by the council of the municipality.

(2) Every such member shall be a person eligible to be elected a member of the council, or a member of the council.

Rev. Stat., c. 272, s. 162, subs. 1, amended.

(3) Subsection 1 of section 162 of *The Assessment Act* is amended by inserting after the word "plan" in the fourth line the words "or of any lot in a city, town or village," so that the said subsection shall now read as follows:

Mode of selling for taxes.

(1) Notwithstanding the provisions of section 161 the treasurer shall not be obliged to sell for taxes, only a portion of any lot originally laid out according to any registered plan or of any lot in a city, town or village, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect of which taxes are in arrear, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per centum of such balance and less such charge and expenses as

Explanatory Notes

Section 2.—Subsection (1). Self-explanatory.

Subsection (2). At present the members of the court of revision in towns, incorporated villages and townships must be councillors. The amendment makes persons eligible for the council competent as well as councillors.

Subsection (3). This amendment authorizes the sale for arrears of taxes of a lot in its entirety where it is in a city, town or village and is not shown on a registered plan.

the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the person redeeming shall pay ten per centum upon the whole amount realized in respect thereof notwithstanding section 177.

Proviso.

Rev. Stat., c. 272, Form 4, re-enacted.

(4) Form 4 of *The Assessment Act* is repealed and the form set out in the Schedule to this Act is substituted therefor.

Rev. Stat., c. 351, ss. 9, 10, 11, re-enacted.

3.—(1) Sections 9, 10 and 11 of *The Cemetery Act* are repealed and the following substituted therefor:

Powers and duties of local board.

9.—(1) It shall be the duty of the local board and it shall have power,—

(*a*) to enter into and upon and to visit and inspect any cemetery within the limits of the municipality and to examine and inquire into the condition of the cemetery;

(*b*) to see that the provisions of this Act and the regulations are observed and to enforce their observance by prosecution for the penalties imposed by this Act;

(*c*) to call for and collect such statistical and other information as the Department of Health may require with regard to cemeteries and the care and management thereof;

(*d*) to report to the Department of Health from time to time, upon the enforcement and administration of this Act; and

(*e*) to see that every cemetery is properly fenced, kept clear of weeds and otherwise cared for in a proper manner and in accordance with this Act and the regulations.

(2) Any of the powers conferred upon a local board by subsection 1 may be delegated to any person by the local board.

Payment for services.

10. The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the local board or for any expenditure incurred by or on

SUBSECTION (4). The Form as re-enacted lists the information in an assessment notice in the same order as it appears on the assessment roll.

SECTION 3. The section abolishes cemetery commissions and transfers their functions to local boards of health.

SUBSECTION 1 repeals the section providing for the establishment of cemetery commissions as well as the section giving certain powers in connection with cemeteries to medical officers of health and sanitary inspectors and the section providing for an audit of cemetery accounts, and in their place enacts sections which confer powers and impose duties with regard to cemeteries on the local boards of health, provide for the payment of expenses incurred by the local boards of health under *The Cemetery Act*, make special provisions with regard to unorganized territory and provide for investigation into cemetery matters.

SUBSECTION 2 confers powers formerly vested in cemetery commissions upon the local boards of health.

behalf of the local board in carrying out the provisions of this Act or the regulations, after the board has, by resolution, approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

Unorganized territory.

11. Any powers conferred upon a local board by this Act may, in territory without municipal organization, be exercised by the Department of Health, any medical officer of health or any sanitary inspector.

Investigation and report.

11*a*. The Lieutenant-Governor in Council may appoint any person to investigate and report upon the conditions of any cemetery and the conduct of its affairs or those of any corporation or trust or individual being the owner or in control of a cemetery, and to examine and audit the books of account of any cemetery, and any person so appointed shall have all the powers conferred upon a commissioner under *The Public Inquiries Act.*

Rev. Stat., c. 19.

Rev. Stat., c. 351, s. 26, re-enacted.

(2) Section 26 of *The Cemetery Act* is repealed and the following substituted therefor:

Default of owner.

26. Where the owner neglects to keep a cemetery in good order or to erect or maintain fences as required by this Act, the local board may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with such requirements the local board may cause such requirements to be complied with at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof.

Rev. Stat., c. 351, s. 36, subs. 2, repealed.

(3) Subsection 2 of section 36 of *The Cemetery Act* is repealed.

Rev. Stat., c. 351, s. 37, subs. 2, amended.

(4) Subsection 2 of section 37 of *The Cemetery Act* is amended by striking out the word "commission" in the second line and inserting in lieu thereof the words "Department of Health," so that the said subsection shall now read as follows:

By-law to be approved by Department.

(2) No such by-law shall come into force or take effect until the same has been approved in writing by the Department of Health.

Rev. Stat., c. 351, amended.

(5) *The Cemetery Act* is amended by adding thereto the following Part:

SUBSECTION 3 repeals subsection 2 of section 36 of the Act to render the section consistent with the new arrangement provided for by this Bill.

SUBSECTION 4. The approval of municipal by-laws is made subject to the Department of Health instead of cemetery commissions.

SUBSECTION 5 adds a general penalty section to the Act and provides for the disposition of fines.

PART V

PENALTIES GENERALLY

Penalty.

56. Any person who contravenes any provision of this Act or the regulations for which no other penalty is provided, shall incur a penalty of not less than $5 nor more than $100 recoverable under *The Summary Convictions Act.*

Rev. Stat., c. 136.

Penalty,— to be paid to municipality;

57.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board.

to Treasurer of Ontario.

(2) Where the prosecution is at the instance of the Department of Health or of any provincial officer or where the offence was committed in territory without municipal organization, the penalty shall be paid to the Treasurer of Ontario.

Rev. Stat., c. 121, s. 2, subs. 2, amended.

4. Subsection 2 of section 2 of *The Commissioners for taking Affidavits Act* is amended by striking out the word "taxing" in the second line and inserting in lieu thereof the word "taking."

Rev. Stat., c. 21, s. 4, amended.

5. Section 4 of *The Consolidated Revenue Fund Act* is amended by adding thereto the following subsection:

Settlement and refunding of municipal debentures.

(4) Where a municipality fails to pay any debenture held by the Treasurer or interest thereon as the same becomes due, the Treasurer may negotiate and accept a settlement in payment and satisfaction of such indebtedness and may exchange such debenture for a new debenture issued by such municipality payable at such time or times and upon such terms as may be agreed.

Rev. Stat., c. 11, s. 72, subs. 1, amended.

6.—(1) Subsection 1 of section 72 of *The Controverted Elections Act* is amended by striking out the word "survival" in the second line and inserting in lieu thereof the word "survivor."

Rev. Stat., c. 11, s. 75, subs. 4, amended.

(2) Subsection 4 of section 75 of *The Controverted Elections Act* is amended by striking out the word "of" in the third line and inserting in lieu thereof the word "or."

SECTION 4. Correction of typographical error.

SECTION 5. The amendment enables the Treasurer of Ontario to negotiate a settlement with a municipality in default in payment of its debentures which are held by the Treasurer, and to exchange such debentures for new debentures.

SECTION 6. Correction of typographical errors.

Rev. Stat., c. 11, s. 75, subs. 17, amended.

(3) Subsection 17 of the said section 75 is amended by striking out the word "*Witness*" in the third line and inserting in lieu thereof the word "*Witnesses*."

Rev. Stat., c. 29, s. 3, subs. 20, cl. *b*, amended.

7.—(1) Clause *b* of subsection 20 of section 3 of *The Corporations Tax Act* is amended by striking out the word "or" where it occurs the first time in the third line, and inserting in lieu thereof the word "and."

Rev. Stat., c. 29, s. 13, subs. 4, amended.

(2) Subsection 4 of section 13 of *The Corporations Tax Act* is amended by striking out the figure "3" in the second line and inserting in lieu thereof the figure "5."

Rev. Stat., c. 288, s. 6, subs. 1, cl. *d*, amended.

8.—(1) Clause *d* of subsection 1 of section 6 of *The Highway Traffic Act* is amended by striking out the word "used" in the second line and inserting in lieu thereof the word "issued."

Rev. Stat., c. 288, s. 10, subs. 10, amended.

(2) Subsection 10 of section 10 of *The Highway Traffic Act* is amended by inserting after the word "be" where it occurs the first time in the second line the word "of."

Rev. Stat., c. 288, s. 40, subs. 3, amended.

(3) Subsection 3 of section 40 of *The Highway Traffic Act* is amended by striking out the word "provision" in the fourth line and inserting in lieu thereof the word "provisions."

Rev. Stat., c. 288, s. 65, subs. 1, amended.

(4) Subsection 1 of section 65 of *The Highway Traffic Act* is amended by inserting after the word "than" in the second line the word "that."

Rev. Stat., c. 288, s. 88, subs. 1, amended.

(5) Subsection 1 of section 88 of *The Highway Traffic Act* is amended by striking out the word "of" in the ninth line and inserting in lieu thereof the word "or."

Rev. Stat., c. 191, s. 18, amended.

9. Section 18 of *The Industrial Standards Act* is amended by striking out the words "in farming or mining operations" in the fifth line and inserting in lieu thereof the words "in the mining or agricultural industries," so that the said section shall now read as follows:

Where Act not to apply.

18. This Act shall not extend to persons employed by the Government of the Province of Ontario or by any of the Departments thereof or to any municipal corporation or by any board or commission created by any Act of this Legislature nor to persons engaged in the mining or agricultural industries.

Rev. Stat., c. 256, s. 276, subs. 2, amended.

10. Subsection 2 of section 276 of *The Insurance Act* is amended by striking out the word "other" in the second line and inserting in lieu thereof the word "licensed" and by adding at the end thereof the words "unless such exchange

SECTION 7. Correction of typographical errors.

SECTION 8. Correction of typographical errors.

SECTION 9. The amendment restricts the provision exempting farming and mining operations from the provisions of THE INDUSTRIAL STANDARDS ACT to include only such operations as form part of the agricultural or mining industry.

SECTION 10. This amendment provides that an exchange may reinsure its risks in any licensed reciprocal or inter-insurance exchange having the same underwriting standards.

operates on the same underwriting standards," so that the said subsection shall now read as follows:

Reinsurance in another exchange.

(2) No attorney or exchange shall effect re-insurance of any risks undertaken by the exchange in any licensed reciprocal or interinsurance exchange unless such exchange operates on the same underwriting standards.

Rev. Stat., c. 231, s. 6, subs. 1, amended.

11. Subsection 1 of section 6 of *The Land Surveyors Act* is amended by inserting after the word "Minister" in the third line the words "or his appointee, the Surveyor-General of Ontario," so that the said subsection shall now read as follows:

Council of management.

(1) There shall be a council of management of the Association, hereinafter called the "council" consisting of the Minister or his appointee, the Surveyor-General of Ontario, the President and the vice-president of the Association, and six other elective members to be elected and hold office as hereinafter provided.

Rev. Stat., c. 294, ss. 15, subs. 1, 20, 39, 53 amended.

12. *The Liquor Control Act* is amended by striking out the word "October" where it occurs in subsection 1 of section 15 and sections 20, 39 and 53 and inserting in lieu thereof the word "March."

Rev. Stat., c. 47, s. 6, subs. 2, amended.

13.—(1) Subsection 2 of section 6 of *The Mining Act* is amended by adding at the end thereof the words "or by the Deputy Minister," so that the said subsection shall now read as follows:

Execution of instruments.

(2) All patents, leases, licenses or other instruments of title, and all agreements, contracts or other writings relating to mines or minerals or mining lands or mining rights or the mineral industry shall be signed and executed by the Minister of Mines, or by the Deputy Minister.

Validation of patents, etc., signed by Deputy Minister.

(2) Every patent, lease, license or other instrument of title and every agreement, contract or other writing relating to mines, minerals, mining lands, mining rights or the mineral industry heretofore signed by a Deputy Minister of Mines or acting Deputy Minister of Mines shall be as valid and binding as if it were signed by the Minister of Mines.

1920, c. 84, amended.

14. *The Municipal Housing Act, 1920*, is amended by adding thereto the following section:

Approval by director unnecessary after payment of debentures.

20*a*. Where a municipal corporation pays all debentures issued by such corporation under this Act, such

SECTION 11. The amendment provides that the Surveyor-General shall be a member of the Council of the Association of Ontario Land Surveyors and that the Minister may appoint someone to sit on the Council in lieu of himself.

SECTION 12. This amendment renders the Act consistent with the present practice of having the fiscal year of the Liquor Control Board commence on April 1st.

SECTION 13. The amendment permits patents, leases, licenses and other instruments connected with mining to be signed by the Deputy Minister of Mines which is in accordance with many years' practice.

SECTION 14. The approval of the Director of Housing (Deputy Minister of Municipal Affairs) is dispensed with in connection with municipal housing projects under *The Municipal Housing Act, 1920*, when all debentures issued under said Act have been fully paid.

corporation or the commission thereof in exercising the powers conferred by this Act, shall not require the approval of the director.

1919, c. 54, amended.

15. *The Ontario Housing Act, 1919*, is amended by adding thereto the following section:

Approval by director unnecessary after repayment of loan from province.

27*a*. Where a municipal corporation repays to the Treasurer of Ontario all loans made by the province to such corporation for the purposes of this Act, such corporation or the commission thereof, in exercising the powers conferred by this Act, shall not require the approval of the director.

Rev. Stat., c. 60, s. 63, re-enacted.

16.—(1) Section 63 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Time for certifying validity of debentures.

63. The Board shall not certify the validity of any debenture issued under any by-law of a municipality until thirty days after the final passing of the by-law, unless such notice, if any, as the Board may direct has been published or given of the application for such certification.

Rev. Stat., c. 60, s. 65, amended.

(2) Section 65 of *The Ontario Municipal Board Act* is amended by striking out the words "issued or to be issued under the authority of any by-law of a municipality approved" in the first and second lines and inserting in lieu thereof the words "the validity of which is certified," and by inserting after the word "by-law" in the fifth line the words "under the authority of which the debenture is issued," so that the said section shall now read as follows:

Debentures to be certified.

65. Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board signed by a member thereof, or by a person specially authorized by the chairman, establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith.

Rev. Stat., c. 62, s. 49, subs. 3, amended.

17.—(1) Subsection 3 of section 49 of *The Power Commission Act* is amended by inserting after the word "corporation" in the tenth line the words "or of any other municipal corporation."

Rev. Stat., c. 62, s. 98, subs. 1, amended.

(2) Subsection 1 of section 98 of *The Power Commission Act* is amended by striking out the word "or" where it occurs the first time in the twelfth line, and inserting in lieu thereof the word "on."

SECTION 15. The approval of the Director of Housing (Deputy Minister of Municipal Affairs) is dispensed with in connection with municipal housing projects under *The Ontario Housing Act, 1919*, when all loans made by the province have been repaid by the borrowing municipality.

SECTION 16.—Subsection 1. This amendment clarifies the existing practice by which a by-law is approved by the Ontario Municipal Board prior to its final passing.

SUBSECTION 2. This amendment clarifies the meaning of the section.

SECTIONS 17. Correction of typographical errors.

Rev. Stat., c. 62, s. 105, subs. 4, amended.

(3) Subsection 4 of section 105 of *The Power Commission Act* is amended by striking out the word "for" in the eleventh line and inserting in lieu thereof the word "from."

Rev. Stat., c. 390, s. 1, cl. *l*, amended.

18.—(1) Clause *l* of section 1 of *The Public Hospitals Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six," so that the said clause shall now read as follows:

"Resident."

(*l*) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the six months next prior to admission to a hospital;

Rev. Stat., c. 390, s. 23, cl. *a*, amended.

(2) Clause *a* of section 23 of *The Public Hospitals Act* is amended by inserting after the word "municipality" in the fourth line, the words "but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission" so that the said clause shall now read as follows:

Persons seeking medical aid.

(*a*) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or

Rev. Stat., c. 390, s. 33, repealed.

(3) Section 33 of *The Public Hospitals Act* is repealed.

Rev. Stat., c. 15, s. 28, amended.

19.—(1) Section 28 of *The Public Service Act* is amended by striking out all the words after the word "exceeding" in the fifth line and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," so that the said section, exclusive of clauses *a* and *b* shall now read as follows:

Death of employee,— when allowance payable.

28. Where an employee who would have been entitled upon his retirement to the superannuation allowance, dies after having served for at least ten years continuously in the public service there shall be granted to his personal representatives or to a member of his family, a lump sum not exceeding the total of the contributions made by such employee under this Part with interest at five per centum per annum.

SECTION 18.—Subsection 1. Self-explanatory.

Subsection 2. The meaning of section 23 of *The Public Hospitals Act* which deals with presumptions of residence is clarified.

Subsection 3. The amendment permits the distribution of provincial aid to be wholly taken care of by the regulations.

SECTION 19. The personal representatives of employees dying after ten years' service are now entitled to receive one year's salary. This is now changed so that they shall receive the contributions of the employee to the Superannuation Fund, plus interest. At present where a superannuate dies before receiving a year's salary, this amount is made up and paid to his representatives. The amendments change the basis to that of contributions plus interest.

Rev. Stat., c. 15, s. 28, cl. *b*, amended.

(2) Clause *b* of the said section 28 is amended by striking out the words "one year's salary of such employee at the rate of his average yearly salary during the last three years of his service" in the third, fourth and fifth lines, and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," and by striking out the word "salary" in the eighth line and inserting in lieu thereof the word "amount," so that the said clause shall now read as follows:

(*b*) Or, in case such employee dies leaving no children under the age of eighteen years, and his widow dies before receiving an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount.

Rev. Stat., c. 15, s. 39, amended.

(3) Section 39 of *The Public Service Act* is amended by striking out the words "one year's salary at the rate of his average yearly salary during the last three years of his service" in the third and fourth lines and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," and by striking out all the words after the word "to" in the eighteenth line and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount," so that the said section, exclusive of clause *a*, shall now read as follows:

Death of superannuated employee before receiving certain amount.

39. Where an employee who is granted a superannuation allowance under this Part dies before having received an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be paid to the personal representatives of such person, or to a member of his family, as the Board may direct, a sum equal to the remainder of such amount, or where such employee dies leaving a widow, or child under the age of eighteen years, one-half of the superannuation allowance to which the deceased was entitled shall be continued to the widow of such employee for her life or during her widowhood, but if such employee is a widower or if his wife having survived him, remarries, such one-half superannuation allowance shall be paid to the children of such employee, if any, who have not attained

the age of eighteen years and until they have attained that age, or in case both the employee and his widow die leaving no children of such employee under the age of eighteen years before receiving an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount.

Rev. Stat., c. 41, s. 2, amended.

20.—(1) Section 2 of *The Pulpwood Conservation Act* is amended by striking out the words "on or before the 1st day of September, 1929" in the first and second lines and inserting in lieu thereof the words "as and when required by the Minister," so that the first six lines of the said section shall now read as follows:

Return, when to be made.

2. Every company shall as and when required by the Minister, file with the Department a statement, in duplicate, executed under the sale of such company and signed by the executive officers thereof and by the forester of such company (if any) and such statement shall contain the following information, namely,—

Rev. Stat., c. 41, s. 2, pars. 10-15 repealed.

(2) Paragraphs 10 to 15 of section 2 of *The Pulpwood Conservation Act* are repealed.

Rev. Stat., c. 41, s. 3, repealed.

(3) Section 3 of *The Pulpwood Conservation Act* is repealed.

Rev. Stat., c. 41, s. 9, amended.

(4) Section 9 of *The Pulpwood Conservation Act* is amended by striking out the words "1st of May" in the fourth line and inserting in lieu thereof the words "31st day of March," so that the said section shall now read as follows:

Annual return of company.

9. Every company shall on or before the 1st day of August in each year file with the Department a statement in the form prescribed by the Department showing the operations of the company for the previous year expiring on the 31st day of March and containing such information, particulars and details as may be prescribed and required by the Department from time to time.

Rev. Stat., c. 26, amended.

21. Each of the sections enacted by *The Succession Duty Amendment Act, 1937, No. 2*, the number of which appears in the left hand column of the Schedule to this section, shall hereafter respectively bear the number indicated opposite thereto in the right hand column of the said Schedule:

SECTION 20.—(1) *The Pulpwood Conservation Act* was passed in 1929 and by its provisions certain statements were required to be filed with the Department by September 1st of that year. It is found desirable to require further statements from time to time and accordingly section 2 of the Act is amended.

(2) The paragraphs dealing with information relating to the period from 1919 to 1928 are repealed as such information is no longer required.

(3) Section 3 of the Act provides for the Minister extending the time for filing statements. The section is no longer necessary as statements are now required to be made "as and when required by the Minister."

(4) The statement required to be filed annually under section 9 of the Act, showing the operations of the company for the previous year, is now required to cover a period of one year ending on the 31st of March, the date upon which the fiscal year of the Government ends.

SECTION 21. Owing to the fact that at the special session of the Legislature which was held after the printing of the Revised Statutes of 1937 but before their proclamation *The Succession Duty Act* was amended, it is necessary to correct the numbering of the sections which were newly enacted at that session, and the re-numbering is effected by this section.

SCHEDULE

22*a*	30*a*
22*b*	30*b*
22*c*	30*c*
25*k*	43*a*
25*l*	43*b*
25*m*	43*c*

22. *The Statute Labour Act* is amended by adding thereto the following section:

Students.

1*a*. A student in attendance at an institution of learning in Ontario shall not be liable to perform statute or to commute therefor, nor shall a poll tax be levied against or collected from any such student.

1935, c. 71, amended.

23. *The Unemployment Relief Act, 1935*, is amended by adding thereto the following section:

Power to take affidavits.

13*a*. The relief administrator in every municipality shall for the purpose of the administration of this Act have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits.

Rev. Stat., c. 301, s. 9, subs. 2, amended.

24. Subsection 2 of section 9 of *The Venereal Diseases Prevention Act* is amended by inserting after the word "made" in the first line the words "to the Department nor to disclosures made" and by inserting after the word "disease" in the sixth line the words "nor to any communication made so the superintendent of any public hospital or sanatorium" so that the said subsection shall now read as follows:

Exceptions.

(2) Subsection 1 shall not apply to disclosures made to the Department nor to disclosures made in good faith to a medical officer of health for his information in carrying out the provisions of this Act, nor to any communication or disclosures made to a legally qualified medical practitioner or in the course of consultation for treatment for venereal disease nor to any communication made to the superintendent of any public hospital or sanatorium, nor to any communication authorized or required to be made by this Act or the regulations.

Rev. Stat., c. 7, heading re-enacted.

25.—(1) The heading immediately preceding section 3 of *The Voters' Lists Act* is repealed and the following substituted therefor:

SECTION 22.—Self-explanatory.

SECTION 23. This amendment authorizes the relief administrator in a municipality to take the affidavits of relief applicants.

SECTION 24. The amendment permits the furnishing of information to the Department of Health and superintendents of public hospitals and sanatoria.

SECTION 25. Correction of typographical errors.

Rev. Stat., c. 7, s. 20, subs. 4, amended.

(2) Subsection 4 of section 20 of *The Voters' Lists Act* is amended by striking out the figure "2" in the tenth line and inserting in lieu thereof the figure "1."

Rev. Stat., c. 204, s. 35, subs. 1, amended.

26.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act* is amended by inserting therein the following clause:

(*aa*) In addition to the provisions of clause *a*, a sum not exceeding $125 for necessary expenses for transportation and things supplied and services rendered in connection therewith necessitated by the transfer of the body of a workman from the place of death to the place of interment in Ontario;

Subsection 1 retroactive.

(2) Subsection 1 shall have effect as from the 1st day of May, 1937.

1935, c. 74, s. 10, re-enacted.

27. Section 10 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor:

Rev. Stat., c. 361, to apply.

10. *The Boards of Education Act* shall apply to the new city and for the purposes of sections 5 and 6 of the said Act the new city shall be deemed to be a city having a population of not less than 200,000.

Rev. Stat., c. 269, amended.

28. *The Local Improvement Act* is amended by adding thereto the following section:

When construction and debenture by-laws may be amended.

55*a*.—(1) The Ontario Municipal Board may authorize a municipality to pass a by-law or by-laws to amend by-laws of the municipality passed under the provisions of this Act by varying the portion of the cost of such local improvements specially assessed upon the lands abutting directly on the work and the portion of the cost thereof to be paid by the corporation, and by varying the number of instalments by which such special assessments shall be paid, and the municipality so authorized may pass such by-law or by-laws within the limitations and restrictions and under the conditions prescribed by the Ontario Municipal Board.

(2) Upon the passing of such amending by-law or by-laws the collector's rolls of the municipality shall be amended and revised in accordance therewith.

Binbrook township assessment appeal.

29. It is hereby declared that the court, which from the 4th day of August, 1937, to the 22nd day of November, 1937,

SECTION 26. This section amends *The Workmen's Compensation Act* by making provision for the payment of the transportation charges for conveying the body of a workman.

SECTION 27. This amendment will have the effect of altering the number of members of the Windsor Board of Education from seven to twelve, and makes applicable to Windsor *The Boards of Education Act*, including authority to submit to a vote of public school supporters the question of electing the Board of Education by wards.

SECTION 28. This amendment is desirable in order that the Municipal Board may authorize a municipality to amend by-laws passed pursuant to *The Local Improvement Act*.

SECTION 29. This amendment confirms,—(1) the appointment of the junior judge of the county of Wentworth as a member of the court to hear the appeal of the township of Binbrook from the county equalization of assessment; (2) the jurisdiction of the remaining two members of the court after the death of the late Judge Carpenter, and (3) the continuation of the hearing of the appeal after the 1st day of January, 1938.

was composed of His Honour Arthur Thomas Boles, His Honour Henry Carpenter and John Wilkie Lawrason and which from the 22nd day of November, 1937, has been and now is composed of His Honour Arthur Thomas Boles and John Wilkie Lawrason, has had since the 4th day of August, 1937, and shall continue to have the powers and jurisdiction of a court appointed pursuant to paragraph 4 of section 91 of *The Assessment Act;* and, notwithstanding the provisions of paragraph 5 of the said section, such court may continue to hear and dispose of the appeal of the corporation of the township of Binbrook from the equalization of assessment made in the year 1937 by the council of the corporation of the county of Wentworth and the disposition of such appeal shall have the same force and effect as if made prior to the 1st day of January, 1938.

Law library, Lambton County.

Rev. Stat., c. 266.

30. Notwithstanding the provisions of subsection 1 of section 390 of *The Municipal Act*, the council of the corporation of the county of Lambton may provide in the county buildings all necessary and proper accommodation, fuel, light, stationery and furniture for the library of the law association of the said county.

By-law 3556, City of Fort William confirmed.

31.—(1) By-law number 3556 of the corporation of the City of Fort William to guarantee the bonds of the Fort William Sanatorium to the extent of $41,666.66, over and above the bonds previously guaranteed by by-law number 3448 of the said corporation, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of the said corporation may do all things necessary to carry out the purposes of the said by-law in accordance with the provisions thereof.

Fort William Sanatorium mortgage confirmed.

(2) The mortgage and charge bearing date the 21st day of March, 1938, made between Fort William Sanatorium, therein called "the Sanatorium," the mortgagor of the first part, and The Royal Trust Company, therein called "the Trustee," the mortgagee of the second part, and registered in the office of Land Titles at Fort William on the 29th day of March, 1938, as number 11281, is hereby confirmed and declared to be, and to have been since the date thereof, legal, valid and binding upon Fort William Sanatorium and the members thereof and upon the real and personal property therein described according to its terms.

Issue and guarantee of Sanatorium bonds confirmed.

(3) The corporation of the City of Fort William is authorized to guarantee the payment of the principal and interest in the bonds of Fort William Sanatorium referred to in the said by-law and mortgage and charge in the aggregate amount of $41,666.66 and when the said bonds are duly executed by

SECTION 30. This section authorizes accommodation of the library of the Lambton County Law Association in the county buildings in place of the court house.

SECTION 31. Fort William Sanatorium is constructing an addition to its buildings. The section confirms the financing by-law, mortgage and bonds.

Fort William Sanatorium and payment of the principal and interest thereof is guaranteed by the corporation of the City of Fort William as provided in the said by-law number 3556 and the said bonds are certified by The Royal Trust Company, as Trustee, in accordance with the provisions of the said mortgage and charge, they will be valid obligations of Fort William Sanatorium and binding upon Fort William Sanatorium and the corporation of the City of Fort William as maker and guarantor thereof respectively, and the validity of the said bonds may not be contested or questioned in any court on any ground whatsoever.

SCHEDULE

FORM 4.

(*Section 52.*)

ASSESSMENT NOTICE FOR 19

TOWNSHIP OF (*or* CITY, TOWN, *or* VILLAGE) OF WARD NO.

CON. (*or* STREET), SIDE.

No on Roll	Name and description of person assessed.				Description of real property.		Assessment of land and buildings.					Assessment for personal taxes.		School Supporter
	Name	"B.S." or "A"	"O" or "T" "L.F."	Occupation	No. of concession, street or other designation of local division.	No. of lot or house	Actual value of land	Value of buildings	Total actual value of real property	Total value of real property liable for school tax only	Total value of real property liable for local improvements only	For business assessment.	For income	"P" or "S" Public or Separate School Supporter.
							$	$	$	$	$	$	$	

Take notice that you are assessed as above specified for the year 19 . If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of (Insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of

Notice Delivered, 19 .

(INDORSED.)

Sir- Take notice that I intend to appeal against this assessment for the following reasons:

I am, Sir, your obedient servant,

A. B., Township Clerk,
or Assessment Commissioner.

NOTE—In the case of a municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto the notice required by Section 32 must also be added.

No. 97

BILL

The Statute Law Amendment Act, 1938

1st Reading

April 1st, 1938

2nd Reading

3rd Reading

MR. CONANT

1938

No. 97

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Statute Law Amendment Act, 1938.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 97 1938

BILL

The Statute Law Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Statute Law Amendment Act, 1938*.

Rev. Stat., c. 272, s. 39, amended.

2.—(1) Section 39 of *The Assessment Act* is amended by adding there to the following subsection:

Reforested lands.

(12) Land which has been planted for forestation or reforestation purposes shall not be assessed at a greater value by reason only of such planting.

Rev. Stat., c. 272, s. 66, subs. 1, 2, re-enacted.

(2) Subsections 1 and 2 of section 66 of *The Assessment Act* are repealed and the following substituted therefor:

Constitution of court in municipalities other than cities.

(1) In municipalities other than cities, the court of revision shall consist of five members appointed by the council of the municipality.

(2) Every such member shall be a person eligible to be elected a member of the council, or a member of the council.

Rev. Stat., c. 272, s. 162, subs. 1, amended.

(3) Subsection 1 of section 162 of *The Assessment Act* is amended by inserting after the word "plan" in the fourth line the words "or of any lot in a city, town or village," so that the said subsection shall now read as follows:

Mode of selling for taxes.

(1) Notwithstanding the provisions of section 161 the treasurer shall not be obliged to sell for taxes, only a portion of any lot originally laid out according to any registered plan or of any lot in a city, town or village, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect of which taxes are in arrear, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per centum of such balance and less such charge and expenses as

the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the person redeeming shall pay ten per centum upon the whole amount realized in respect thereof notwithstanding section 177. Proviso.

(4) Form 4 of *The Assessment Act* is repealed and the form set out in the Schedule to this Act is substituted therefor. Rev. Stat., c. 272, Form 4, re-enacted.

3.—(1) Sections 9, 10 and 11 of *The Cemetery Act* are repealed and the following substituted therefor: Rev. Stat., c. 351, ss. 9, 10, 11, re-enacted.

9.—(1) It shall be the duty of the local board and it shall have power,— Powers and duties of local board.

(*a*) to enter into and upon and to visit and inspect any cemetery within the limits of the municipality and to examine and inquire into the condition of the cemetery;

(*b*) to see that the provisions of this Act and the regulations are observed and to enforce their observance by prosecution for the penalties imposed by this Act;

(*c*) to call for and collect such statistical and other information as the Department of Health may require with regard to cemeteries and the care and management thereof;

(*d*) to report to the Department of Health from time to time, upon the enforcement and administration of this Act; and

(*e*) to see that every cemetery is properly fenced, kept clear of weeds and otherwise cared for in a proper manner and in accordance with this Act and the regulations.

(2) Any of the powers conferred upon a local board by subsection 1 may be delegated to any person by the local board. Delegation of power.

(3) Where the Lieutenant-Governor in Council is of opinion that any cemetery is being supervised and managed in a proper manner by a municipal council, board of park management or cemetery board, he Exemption of certain cemeteries.

may exempt such cemetery from any of the provisions of this section.

Payment for services.

10. The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the local board or for any expenditure incurred by or on behalf of the local board in carrying out the provisions of this Act or the regulations, after the board has, by resolution, approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

Unorganized territory.

11. Any powers conferred upon a local board by this Act may, in territory without municipal organization, be exercised by the Department of Health, any medical officer of health or any sanitary inspector.

Investigation and report.

11*a*. The Lieutenant-Governor in Council may appoint any person to investigate and report upon the conditions of any cemetery and the conduct of its affairs or those of any corporation or trust or individual being the owner or in control of a cemetery, and to examine and audit the books of account of any cemetery, and any person so appointed shall have all the powers conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Rev. Stat., c. 351, s. 26, re-enacted.

(2) Section 26 of *The Cemetery Act* is repealed and the following substituted therefor:

Default of owner.

26. Where the owner neglects to keep a cemetery in good order or to erect or maintain fences as required by this Act, the local board may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with such requirements the local board may cause such requirements to be complied with at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof.

Rev. Stat., c. 351, s. 36, subs. 2, repealed.

(3) Subsection 2 of section 36 of *The Cemetery Act* is repealed.

Rev. Stat., c. 351, s. 37, subs. 2, amended.

(4) Subsection 2 of section 37 of *The Cemetery Act* is amended by striking out the word "commission" in the second line and inserting in lieu thereof the words "Department of Health," so that the said subsection shall now read as follows:

(2) No such by-law shall come into force or take effect until the same has been approved in writing by the Department of Health. By-law to be approved by Department.

(5) *The Cemetery Act* is amended by adding thereto the following Part: Rev. Stat., c. 351, amended.

PART V

PENALTIES GENERALLY

56. Any person who contravenes any provision of this Act or the regulations for which no other penalty is provided, shall incur a penalty of not less than $5 nor more than $100 recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

57.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board. Penalty,— to be paid to municipality;

(2) Where the prosecution is at the instance of the Department of Health or of any provincial officer or where the offence was committed in territory without municipal organization, the penalty shall be paid to the Treasurer of Ontario. to Treasurer of Ontario.

4. Subsection 2 of section 2 of *The Commissioners for taking Affidavits Act* is amended by striking out the word "taxing" in the second line and inserting in lieu thereof the word "taking." Rev. Stat., c. 121, s. 2, subs. 2, amended.

5.—(1) Subsection 1 of section 72 of *The Controverted Elections Act* is amended by striking out the word "survival" in the second line and inserting in lieu thereof the word "survivor." Rev. Stat., c. 11, s. 72, subs. 1, amended.

(2) Subsection 4 of section 75 of *The Controverted Elections Act* is amended by striking out the word "of" in the third line and inserting in lieu thereof the word "or." Rev. Stat., c. 11, s. 75, subs. 4, amended.

Rev. Stat., c. 11, s. 75, subs. 17, amended.

(3) Subsection 17 of the said section 75 is amended by striking out the word "*Witness*" in the third line and inserting in lieu thereof the word "*Witnesses*."

Rev. Stat., c. 29, s. 3, subs. 20, cl. *b*, amended.

6.—(1) Clause *b* of subsection 20 of section 3 of *The Corporations Tax Act* is amended by striking out the word "or" where it occurs the first time in the third line, and inserting in lieu thereof the word "and."

Rev. Stat., c. 29, s. 13, subs. 4, amended.

(2) Subsection 4 of section 13 of *The Corporations Tax Act* is amended by striking out the figure "3" in the second line and inserting in lieu thereof the figure "5."

Rev. Stat., c. 288, s. 6, subs. 1, cl. *d*, amended.

7.—(1) Clause *d* of subsection 1 of section 6 of *The Highway Traffic Act* is amended by striking out the word "used" in the second line and inserting in lieu thereof the word "issued."

Rev. Stat., c. 288, s. 10, subs. 10, amended.

(2) Subsection 10 of section 10 of *The Highway Traffic Act* is amended by inserting after the word "be" where it occurs the first time in the second line the word "of."

Rev. Stat., c. 288, s. 40, subs. 3, amended.

(3) Subsection 3 of section 40 of *The Highway Traffic Act* is amended by striking out the word "provision" in the fourth line and inserting in lieu thereof the word "provisions."

Rev. Stat., c. 288, s. 65, subs. 1, amended.

(4) Subsection 1 of section 65 of *The Highway Traffic Act* is amended by inserting after the word "than" in the second line the word "that."

Rev. Stat., c. 288, s. 88, subs. 1, amended.

(5) Subsection 1 of section 88 of *The Highway Traffic Act* is amended by striking out the word "of" in the ninth line and inserting in lieu thereof the word "or."

Rev. Stat., c. 191, s. 18, amended.

8. Section 18 of *The Industrial Standards Act* is amended by striking out the words "in farming or mining operations" in the fifth line and inserting in lieu thereof the words "in the mining or agricultural industries," so that the said section shall now read as follows:

Where Act not to apply.

18. This Act shall not extend to persons employed by the Government of the Province of Ontario or by any of the Departments thereof or to any municipal corporation or by any board or commission created by any Act of this Legislature nor to persons engaged in the mining or agricultural industries.

Rev. Stat., c. 256, s. 276, subs. 2, amended.

9. Subsection 2 of section 276 of *The Insurance Act* is amended by striking out the word "other" in the second line and inserting in lieu thereof the word "licensed" and by adding at the end thereof the words "unless such exchange

operates on the same underwriting standards," so that the said subsection shall now read as follows:

(2) No attorney or exchange shall effect re-insurance of any risks undertaken by the exchange in any licensed reciprocal or interinsurance exchange unless such exchange operates on the same underwriting standards. Reinsurance in another exchange.

10. Subsection 1 of section 6 of *The Land Surveyors Act* is amended by inserting after the word "Minister" in the third line the words "or his appointee, the Surveyor-General of Ontario," so that the said subsection shall now read as follows: Rev. Stat., c. 231, s. 6, subs. 1, amended.

(1) There shall be a council of management of the Association, hereinafter called the "council" consisting of the Minister or his appointee, the Surveyor-General of Ontario, the president and the vice-president of the Association, and six other elective members to be elected and hold office as hereinafter provided. Council of management.

11. *The Liquor Control Act* is amended by striking out the word "October" where it occurs in subsection 1 of section 15 and sections 20, 39 and 53 and inserting in lieu thereof the word "March." Rev. Stat., c. 294, ss. 15, subs. 1, 20, 39, 53, amended.

12.—(1) Subsection 2 of section 6 of *The Mining Act* is amended by adding at the end thereof the words "or by the Deputy Minister," so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 6, subs. 2, amended.

(2) All patents, leases, licenses or other instruments of title, and all agreements, contracts or other writings relating to mines or minerals or mining lands or mining rights or the mineral industry shall be signed and executed by the Minister of Mines, or by the Deputy Minister. Execution of instruments.

(2) Every patent, lease, license or other instrument of title and every agreement, contract or other writing relating to mines, minerals, mining lands, mining rights or the mineral industry heretofore signed by a Deputy Minister of Mines or acting Deputy Minister of Mines shall be as valid and binding as if it were signed by the Minister of Mines. Validation of patents, etc., signed by Deputy Minister.

13. *The Municipal Housing Act, 1920*, is amended by adding thereto the following section: 1920, c. 84, amended.

20*a*. Where a municipal corporation pays all debentures issued by such corporation under this Act, such Approval by director unnecessary after payment of debentures.

corporation or the commission thereof in exercising the powers conferred by this Act, shall not require the approval of the director.

1919, c. 54, amended.

14. *The Ontario Housing Act, 1919*, is amended by adding thereto the following section:

Approval by director unnecessary after repayment of loan from province.

27*a*. Where a municipal corporation repays to the Treasurer of Ontario all loans made by the province to such corporation for the purposes of this Act, such corporation or the commission thereof, in exercising the powers conferred by this Act, shall not require the approval of the director.

Rev. Stat., c. 60, s. 63, re-enacted.

15.—(1) Section 63 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Time for certifying validity of debentures.

63. The Board shall not certify the validity of any debenture issued under any by-law of a municipality until thirty days after the final passing of the by-law, unless such notice, if any, as the Board may direct has been published or given of the application for such certification.

Rev. Stat., c. 60, s. 65, amended.

(2) Section 65 of *The Ontario Municipal Board Act* is amended by striking out the words "issued or to be issued under the authority of any by-law of a municipality approved" in the first and second lines and inserting in lieu thereof the words "the validity of which is certified," and by inserting after the word "by-law" in the fifth line the words "under the authority of which the debenture is issued," so that the said section shall now read as follows:

Debentures to be certified.

65. Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board signed by a member thereof, or by a person specially authorized by the chairman, establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith.

Rev. Stat., c. 62, s. 49, subs. 3, amended.

16.—(1) Subsection 3 of section 49 of *The Power Commission Act* is amended by inserting after the word "corporation" in the tenth line the words "or of any other municipal corporation."

Rev. Stat., c. 62, s. 98, subs. 1, amended.

(2) Subsection 1 of section 98 of *The Power Commission Act* is amended by striking out the word "or" where it occurs the first time in the twelfth line, and inserting in lieu thereof the word "on."

(3) Subsection 4 of section 105 of *The Power Commission Act* is amended by striking out the word "for" in the eleventh line and inserting in lieu thereof the word "from." Rev. Stat., c. 62, s. 105, subs. 4, amended.

17.—(1) Clause *l* of section 1 of *The Public Hospitals Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six," so that the said clause shall now read as follows: Rev. Stat., c. 390, s. 1, cl. *l*, amended.

(*l*) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the six months next prior to admission to a hospital; "Resident."

(2) Clause *a* of section 23 of *The Public Hospitals Act* is amended by inserting after the word "municipality" in the fourth line, the words "but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission" so that the said clause shall now read as follows: Rev. Stat., c. 390, s. 23, cl. *a*, amended.

(*a*) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or Persons seeking medical aid.

(3) Section 33 of *The Public Hospitals Act* is repealed. Rev. Stat., c. 390, s. 33, repealed.

18.—(1) Section 28 of *The Public Service Act* is amended by striking out all the words after the word "exceeding" in the fifth line and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," so that the said section, exclusive of clauses *a* and *b* shall now read as follows: Rev. Stat., c. 15, s. 28, amended.

28. Where an employee who would have been entitled upon his retirement to the superannuation allowance, dies after having served for at least ten years continuously in the public service there shall be granted to his personal representatives or to a member of his family, a lump sum not exceeding the total of the contributions made by such employee under this Part with interest at five per centum per annum. Death of employee,—when allowance payable.

Rev. Stat., c. 15, s. 28, cl. *b*, amended.

(2) Clause *b* of the said section 28 is amended by striking out the words "one year's salary of such employee at the rate of his average yearly salary during the last three years of his service" in the third, fourth and fifth lines, and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," and by striking out the word "salary" in the eighth line and inserting in lieu thereof the word "amount," so that the said clause shall now read as follows:

(*b*) Or, in case such employee dies leaving no children under the age of eighteen years, and his widow dies before receiving an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount.

Rev. Stat., c. 15, s. 39, amended.

(3) Section 39 of *The Public Service Act* is amended by striking out the words "one year's salary at the rate of his average yearly salary during the last three years of his service" in the third and fourth lines and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum," and by striking out all the words after the word "to" in the eighteenth line and inserting in lieu thereof the words "the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount," so that the said section, exclusive of clause *a*, shall now read as follows:

Death of superannuated employee before receiving certain amount.

39. Where an employee who is granted a superannuation allowance under this Part dies before having received an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be paid to the personal representatives of such person, or to a member of his family, as the Board may direct, a sum equal to the remainder of such amount, or where such employee dies leaving a widow, or child under the age of eighteen years, one-half of the superannuation allowance to which the deceased was entitled shall be continued to the widow of such employee for her life or during her widowhood, but if such employee is a widower or if his wife having survived him, remarries, such one-half superannuation allowance shall be paid to the children of such employee, if any, who have not attained

the age of eighteen years and until they have attained that age, or in case both the employee and his widow die leaving no children of such employee under the age of eighteen years before receiving an amount equal to the total of the contributions made by such employee under this Part with interest at five per centum per annum, there shall be granted to his personal representatives or to a member of his family a lump sum equal to the remainder of such amount.

19.—(1) Section 2 of *The Pulpwood Conservation Act* is amended by striking out the words "on or before the 1st day of September, 1929" in the first and second lines and inserting in lieu thereof the words "as and when required by the Minister," so that the first six lines of the said section shall now read as follows: Rev. Stat., c. 41, s. 2, amended.

2. Every company shall as and when required by the Minister, file with the Department a statement, in duplicate, executed under the seal of such company and signed by the executive officers thereof and by the forester of such company (if any) and such statement shall contain the following information, namely,— Return, when to be made.

(2) Paragraphs 10 to 15 of section 2 of *The Pulpwood Conservation Act* are repealed. Rev. Stat., c. 41, s. 2, pars. 10-15 repealed.

(3) Section 3 of *The Pulpwood Conservation Act* is repealed. Rev. Stat., c. 41, s. 3, repealed.

(4) Section 9 of *The Pulpwood Conservation Act* is amended by striking out the figure and words "1st of May" in the fourth line and inserting in lieu thereof the figures and words "31st day of March," so that the said section shall now read as follows: Rev. Stat., c. 41, s. 9, amended.

9. Every company shall on or before the 1st day of August in each year file with the Department a statement in the form prescribed by the Department showing the operations of the company for the previous year expiring on the 31st day of March and containing such information, particulars and details as may be prescribed and required by the Department from time to time. Annual return of company.

20. Each of the sections enacted by *The Succession Duty Amendment Act, 1937, No. 2*, the number of which appears in the left hand column of the Schedule to this section, shall hereafter respectively bear the number indicated opposite thereto in the right hand column of the said Schedule: Rev. Stat., c. 26, amended.

SCHEDULE

22*a*	30*a*
22*b*	30*b*
22*c*	30*c*
25*k*	43*a*
25*l*	43*b*
25*m*	43*c*

Rev. Stat., c. 274, amended.

21. *The Statute Labour Act* is amended by adding thereto the following section:

Students.

1*a*. A student in attendance at an institution of learning in Ontario shall not be liable to perform statute labour or to commute therefor, nor shall a poll tax be levied against or collected from any such student.

1935, c. 71, amended.

22. *The Unemployment Relief Act, 1935*, is amended by adding thereto the following section:

Power to take affidavits.

13*a*. Every unemployment relief inspector in the employ of the Department of Public Welfare, every unemployment relief administrator in a local municipality and every person appointed by the municipal council as an assistant to the unemployment relief administrator in a city or a township bordering on a city having a population of not less than 100,000, shall for the purpose of the administration of this Act have power to take declarations and affidavits in the same manner and to the same extent as a commissioner for taking affidavits.

Rev. Stat., c. 301, s. 9, subs. 2, amended.

23. Subsection 2 of section 9 of *The Venereal Diseases Prevention Act* is amended by inserting after the word "made" in the first line the words "to the Department nor to disclosures made" and by inserting after the word "disease" in the sixth line the words "nor to any communication made to the superintendent of any public hospital or sanatorium" so that the said subsection shall now read as follows:

Exceptions.

(2) Subsection 1 shall not apply to disclosures made to the Department nor to disclosures made in good faith to a medical officer of health for his information in carrying out the provisions of this Act, nor to any communication or disclosures made to a legally qualified medical practitioner or in the course of consultation for treatment for venereal disease nor to any communication made to the superintendent of any public hospital or sanatorium, nor to any communication authorized or required to be made by this Act or the regulations.

24.—(1) The heading immediately preceding section 3 of *The Voters' Lists Act* is repealed and the following substituted therefor: Rev. Stat., c. 7, heading re-enacted.

APPLICATION OF PARTS I, II, III AND V.

(2) Subsection 4 of section 20 of *The Voters' Lists Act* is amended by striking out the figure "2" in the tenth line and inserting in lieu thereof the figure "1." Rev. Stat., c. 7, s. 20, subs. 4, amended.

25.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act* is amended by inserting therein the following clause: Rev. Stat., c. 204, s. 35, subs. 1, amended.

(*aa*) In addition to the provisions of clause *a*, a sum not exceeding $125 for necessary expenses for transportation and things supplied and services rendered in connection therewith necessitated by the transfer of the body of a workman from the place of death to the place of interment in Ontario. Compensation in certain cases.

(2) Subsection 1 shall have effect as from the 1st day of May, 1937. Subsection 1 retroactive.

26.—(1) *The City of Windsor (Amalgamation) Act, 1935*, is amended by adding thereto the following section: 1935, c. 74, amended.

23*a*. The whole of the undertaking, property, deeds, agreements, leases, mortgages and other assets of each of the housing commissions of the amalgamated municipalities is hereby vested in the new city. Assets of housing commissions vested in new city.

(2) The members elected and appointed to the board of education for the City of Windsor for the year 1938 shall hold office until the 1st day of January, 1939. Term of present board of education.

27. It is hereby declared that the court, which from the 4th day of August, 1937, to the 22nd day of November, 1937, was composed of His Honour Arthur Thomas Boles, His Honour Henry Carpenter and John Wilkie Lawrason and which from the 22nd day of November, 1937, has been and now is composed of His Honour Arthur Thomas Boles and John Wilkie Lawrason, has had since the 4th day of August, 1937, and shall continue to have the powers and jurisdiction of a court appointed pursuant to paragraph 4 of section 91 of *The Assessment Act;* and, notwithstanding the provisions of paragraph 5 of the said section, such court may continue to hear and dispose of the appeal of the corporation of the Township of Binbrook from the equalization of assessment made in the year 1937 by the council of the corporation of the County of Wentworth and the disposition of such appeal Binbrook township assessment appeal. Rev. Stat., c. 272.

shall have the same force and effect as if made prior to the 1st day of January, 1938.

Law library, Lambton County.

Rev. Stat., c. 266.

28. Notwithstanding the provisions of subsection 1 of section 390 of *The Municipal Act*, the council of the corporation of the County of Lambton may provide in the county buildings all necessary and proper accommodation, fuel, light, stationery and furniture for the library of the law association of the said county.

By-law 3556, City of Fort William confirmed.

29.—(1) By-law number 3556 of the corporation of the City of Fort William to guarantee the bonds of the Fort William Sanatorium to the extent of $41,666.66, over and above the bonds previously guaranteed by by-law number 3448 of the said corporation, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of the said corporation may do all things necessary to carry out the purposes of the said by-law in accordance with the provisions thereof.

Fort William Sanatorium mortgage confirmed.

(2) The mortgage and charge bearing date the 21st day of March, 1938, made between Fort William Sanatorium, therein called "the Sanatorium," the mortgagor of the first part, and The Royal Trust Company, therein called "the Trustee," the mortgagee of the second part, and registered in the office of land titles at Fort William on the 29th day of March, 1938, as number 11281, is hereby confirmed and declared to be, and to have been since the date thereof, legal, valid and binding upon Fort William Sanatorium and the members thereof and upon the real and personal property therein described according to its terms.

Issue and guarantee of Sanatorium bonds confirmed.

(3) The corporation of the City of Fort William is authorized to guarantee the payment of the principal and interest of the bonds of Fort William Sanatorium referred to in the said by-law and mortgage and charge in the aggregate amount of $41,666.66 and when the said bonds are duly executed by Fort William Sanatorium and payment of the principal and interest thereof is guaranteed by the corporation of the City of Fort William as provided in the said by-law number 3556 and the said bonds are certified by The Royal Trust Company, as Trustee, in accordance with the provisions of the said mortgage and charge, they will be valid obligations of Fort William Sanatorium and binding upon Fort William Sanatorium and the corporation of the City of Fort William as maker and guarantor thereof respectively, and the validity of the said bonds may not be contested or questioned in any court on any ground whatsoever.

Rev. Stat., c. 266, amended.

30. *The Municipal Act* is amended by adding thereto the following section:

442*a*. Notwithstanding the provisions of subsection 4 of section 271, a board of commissioners of police or a council shall not refuse to grant a license with respect to the carrying on of any business by reason only of the location of such business where such business was being carried on at such location at the time of the coming into force of the by-law requiring such license. Certain licenses not to be refused by reason only of location of business affected.

31.—(1) Section 5 of *The Mothers' Allowances Act* is amended by striking out all the words after the word "Minister" in the sixth line, so that the first subsection of the said section 5 shall now read as follows: Rev. Stat., c. 313, s. 5, amended.

(1) Allowances granted under this Act and the expenses of administration of this Act shall be payable out of such moneys as may be voted by the Assembly and appropriated by the Legislature for those purposes by the Treasurer of Ontario upon the direction in writing of the chairman of the Commission countersigned by the Minister. Manner of payment.

(2) The said section 5 is further amended by adding thereto the following subsection: Rev. Stat., c. 313, s. 5, amended.

(2) The accounts of the Commission shall be audited monthly by the Provincial Auditor or such other person as the Lieutenant-Governor in Council may appoint. Monthly audit of accounts.

SCHEDULE

FORM 4.

(Section 52.)

ASSESSMENT NOTICE FOR 19

TOWNSHIP OF (*or* CITY, TOWN, *or* VILLAGE) OF WARD NO.

CON. (*or* STREET), SIDE.

No on Roll	Name and description of person assessed.				Description of real property.		Assessment of land and buildings.					Assessment for personal taxes.		School Supporter
	Name	"B.S." or "A"	"O" or "T" "L.F."	Occupation	No. of concession, street or other designation of local division.	No. of lot or house	Actual value of land	Value of buildings	Total actual value of real property	Total value of real property liable for school tax only	Total value of real property liable for local improvements only	For business assessment.	For income	"P" or "S" Public or Separate School Supporter.
							$	$	$	$	$	$	$	

Take notice that you are assessed as above specified for the year 19 . If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of (insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of

Notice Delivered, 19 .

(INDORSED.)

Sir- Take notice that I intend to appeal against this assessment for the following reasons:

A. B., Township Clerk, I am, Sir, your obedient servant,
or Assessment Commissioner.

NOTE—In the case of a municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto the notice required by Section 32 must also be added.

No. 97

BILL

The Statute Law Amendment Act, 1938

1st Reading

April 1st, 1938

2nd Reading

April 4th, 1938

3rd Reading

April 7th, 1938

MR. CONANT

1938

No. 98

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Municipal Amendment Act, 1938.

MR. CARR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 98 1938

BILL

The Municipal Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 24, subs. 6, amended.

1. Subsection 6 of section 24 of *The Municipal Act* is amended by striking out the word "inhabitants" in the second line and inserting in lieu thereof the words "resident householders," and by striking out the words "resident holders" in the fourth line, so that the said subsection shall now read as follows:

Declaration of incorporation.

(6) If it appears to the judge from the report that a majority of the resident householders present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 and no objection to the report or to the manner in which the meeting was conducted or the reeve and and councillors were chosen has been filed with the judge within ten days after the receipt by him of the report, the judge shall declare in writing (Form 1), the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*.

Rev. Stat., c. 266, s. 57, amended.

2. Section 57 of *The Municipal Act* is amended by adding thereto the following subsection:

Right of corporations to vote at municipal elections.

(2) A corporation which is assessed upon the last revised assessment roll of the municipality and which, if it had been a male person would have been entitled to have been entered on the voters' list, may in writing under its seal appoint a person who is a British subject of the full age of twenty-one years as its

nominee to vote on its behalf at a municipal election in the municipality, and upon such appointment being filed with the clerk of the municipality not later than the thirtieth day before the date fixed for polling, the said clerk shall issue a certificate (Form 10A), authorizing the returning officer or proper deputy returning officer to enter the name of such nominee on the proper voters' list as the nominee of the corporation, and such nominee, upon delivery and surrender of the certificate to the returning officer or deputy returning officer in charge of the polling place for the division or subdivision mentioned in the certificate, shall have the right to vote at the election, in such division or subdivision, as the nominee and on behalf of the corporation, irrespective of any right which such nominee may have to vote on his own behalf.

Rev. Stat., c. 266, s. 70, subs. 5, amended.

3. Subsection 5 of section 70 of *The Municipal Act* is amended by inserting after the word "towns" in the first line the words "and townships bordering on a city having a population of not less than 100,000," so that the said subsection shall now read as follows:

Certificate as to taxes (cities and towns and townships bordering on a city).

(5) In cities and towns, and townships bordering on a city having a population of not less than 100,000, before making the declaration, the candidate shall submit to the treasurer or collector particulars of the land in respect of which he intends to qualify and shall procure from him and file with his declaration a certificate that there are no taxes of a preceding year or years against such land which are overdue and unpaid, and the clerk shall not place on the ballot paper the name of any candidate who fails to file such certificate with his declaration.

Rev. Stat., c. 266, s. 85, cl. *c*, amended.

4. Clause *c* of section 85 of *The Municipal Act* is amended by striking out the words "a constable or clerk" in the second line and inserting in lieu thereof the words "one or more constables or clerks," so that the said clause shall now read as follows:

Constables and clerks to attend.

(*c*) The board of commissioners of police or the chief constable shall cause one or more constables or clerks as the case may be to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer.

Rev. Stat., c. 266, s. 111, subs. 3, amended.

5. Subsection 3 of section 111 of *The Municipal Act* is amended by inserting after the word "clerk" in the third line the words "special constable," so that the said subsection shall now read as follows:

Certificate only to entitle officials who act.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, special constable, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Rev. Stat., c. 266, s. 283, subs. 1, cl. *d*, repealed.

6. Clause *d* of subsection 1 of section 283 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 310, re-enacted.

7.—(1) Section 310 of *The Municipal Act* is repealed and the following substituted therefor:

When rate of interest may be varied.

310.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,—

(*a*) a different rate of interest;

(*b*) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;

(*c*) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(*d*) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(*e*) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section.

(2) For the purposes of this section, the hypothecation of debentures under section 337 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Consolidation of debentures.

(3) The council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessments and levies.

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commencement of section.

(2) This section shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat., c. 266, s. 405, amended.

8. Section 405 of *The Municipal Act* is amended by adding thereto the following headings and paragraphs:

Persons Installing Heating Equipment.

Licensing, regulating and governing persons installing heating equipment.

66. For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind.

Projections.

Projections.

67. For permitting cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet above the grade thereof established by the corporation.

Encroachments.

Encroachments re refacing.

68. For permitting existing buildings to encroach beyond the existing wall face of same upon a highway to such extent, not exceeding two inches, as may be necessary to provide for refacing any such building.

Charge for Privilege.

Charge for privilege.

69. For fixing such annual fee or charge as the council may deem reasonable to be paid for any privilege granted under the authority of paragraph 67 or 68, which fee or charge shall be a charge upon the land in connection with which the privilege is granted and shall be payable with and form part of the taxes on such land.

Rev. Stat., c. 266, s. 407, par. 3, amended.

9. Paragraph 3 of section 407 of *The Municipal Act* is amended by inserting after the word "all" in the second line the words "hot air," so that the said paragraph shall now read as follows:

Regulation, etc., of heating plants.

3. For regulating, controlling and inspecting the installation of all hot air, hot water and steam heating plants.

Rev. Stat., c. 266, s. 415, par. 1 cl. *a*, amended.

10.—(1) Clause *a* of paragraph 1 of section 415 of *The Municipal Act* is amended by inserting after the word "sale" in the third line the words "or seizure only," so that the said clause shall now read as follows:

"Bailiff,"—meaning of.

(*a*) For the purpose of this paragraph, a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale, or seizure only of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record."

Rev. Stat., c. 266, s. 415, amended.

(2) The said section 415 is further amended by adding thereto the following heading and paragraph:

Pet Shops.

Licensing, regulating and governing pet shops.

2. For licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale.

Rev. Stat., c. 266, s. 429, amended.

11. Section 429 of *The Municipal Act* is amended by adding thereto the following clause:

Employees exempted.

(*b*) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

Rev. Stat., c. 266, s. 430, amended.

12. The heading of section 430 of *The Municipal Act* is amended by striking out the words "having a population of not less than 100,000" in the second and third lines, so that the said heading shall now read as follows:

430. By-laws may be passed by the councils of counties, towns and of townships bordering on a city, and by boards of commissioners of police of cities:

Rev. Stat., c. 266, s. 437, amended.

13. Section 437 of *The Municipal Act* is amended by striking out paragraph 1 and clause *a* and inserting in lieu thereof the following paragraph and clauses:

Electrical workers.

1. For examining, licensing, regulating and governing electricians, master electricians and journeymen electricians.

"Master electrician."

(*a*) For the purpose of this paragraph "master electrician" shall mean a person skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, and familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who himself, or by journeymen electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

"Journeyman electrician."

Application of by-law.

(*b*) Such by-law shall not apply to the employees of any public service commission or corporation.

Rev. Stat., c. 266, s. 439, amended.

14. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph and clause:

Certain persons commencing business to pay license fee.

7. For requiring persons not licensed under the provisions of paragraph 5 or 6 who, after the return of the assessment roll, commence to carry on any business in premises in respect to which they are liable for business assessment, to pay a license fee before commencing such business.

Amount thereof.

(*a*) The amount of such license fee shall be a sum computed by reference to the tax on such business assessment which such person would have been required to pay for the current year in respect to the premises in which he has commenced business if he had been previously assessed and made liable for such tax, and shall be either one-half the amount of such tax for the whole year or a proportionate part of same for the balance of the year after he commences business, whichever shall be the greater.

Rev. Stat., c. 266, s. 442, amended.

15. Section 442 of *The Municipal Act* is amended by adding at the end of the heading thereof the words "and of towns," so that the said heading shall now read as follows:

442. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships and villages bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000 and of towns:

No. 98

BILL

The Municipal Amendment Act, 1938.

1st Reading

April 5th, 1938

2nd Reading

3rd Reading

MR. CARR

No. 98

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

The Municipal Amendment Act, 1938.

MR. CARR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 98 1938

BILL

The Municipal Amendment Act, 1938.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 266, s. 24, subs. 6, amended.

1. Subsection 6 of section 24 of *The Municipal Act* is amended by striking out the word "inhabitants" in the second line and inserting in lieu thereof the words "resident householders," and by striking out the words "resident holders" in the fourth line, so that the said subsection shall now read as follows:

Declaration of incorporation.

(6) If it appears to the judge from the report that a majority of the resident householders present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the judge within ten days after the receipt by him of the report, the judge shall declare in writing (Form 1), the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*.

Rev. Stat., c. 266, s. 70, subs. 5, amended.

2. Subsection 5 of section 70 of *The Municipal Act* is amended by inserting after the word "towns" in the first line the words "and townships bordering on a city having a population of not less than 100,000," so that the said subsection shall now read as follows:

Certificate as to taxes (cities and towns and townships bordering on a city).

(5) In cities and towns, and townships bordering on a city having a population of not less than 100,000, before making the declaration, the candidate shall

submit to the treasurer or collector particulars of the land in respect of which he intends to qualify and shall procure from him and file with his declaration a certificate that there are no taxes of a preceding year or years against such land which are overdue and unpaid, and the clerk shall not place on the ballot paper the name of any candidate who fails to file such certificate with his declaration.

3. Clause *c* of section 85 of *The Municipal Act* is amended by striking out the words "a constable or clerk" in the second line and inserting in lieu thereof the words "one or more constables or clerks," so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 85, cl. *c*, amended.

(*c*) The board of commissioners of police or the chief constable shall cause one or more constables or clerks as the case may be to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. Constables and clerks to attend.

4. Subsection 3 of section 111 of *The Municipal Act* is amended by inserting after the word "clerk" in the third line the words "special constable," so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 111, subs. 3, amended.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, special constable, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote. Certificate only to entitle officials who act.

5. Clause *d* of subsection 1 of section 283 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 283, subs. 1, cl. *d*, repealed.

6.—(1) Section 310 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 310, re-enacted.

310.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, When rate of interest may be varied.

without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,—

(*a*) a different rate of interest;

(*b*) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;

(*c*) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(*d*) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(*e*) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section.

(2) For the purposes of this section, the hypothecation of debentures under section 337 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Consolidation of debentures.

(3) The council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessments and levies.

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commencement of section.

(2) This section shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat., c. 266, s. 405, amended.

7. Section 405 of *The Municipal Act* is amended by adding thereto the following headings and paragraphs:

Persons Installing Heating Equipment.

Licensing, regulating and governing persons installing heating equipment.

66. For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind.

Projections.

67. For permitting cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet above the grade thereof established by the corporation. Projections.

8. Paragraph 3 of section 407 of *The Municipal Act* is amended by inserting after the word "all" in the second line the words "hot air," so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 407, par. 3, amended.

3. For regulating, controlling and inspecting the installation of all hot air, hot water and steam heating plants. Regulation, etc., of heating plants.

9.—(1) Clause *a* of paragraph 1 of section 415 of *The Municipal Act* is amended by inserting after the word "sale" in the third line the words "or seizure only," so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 415, par. 1 cl. *a*, amended.

(*a*) For the purpose of this paragraph, a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale, or seizure only of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record." "Bailiff,"—meaning of.

(2) The said section 415 is further amended by adding thereto the following heading and paragraph: Rev. Stat., c. 266, s. 415, amended.

Pet Shops.

2. For licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale. Licensing, regulating and governing pet shops.

10. Section 429 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 266, s. 429, amended.

(*b*) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed. Employees exempted.

11. The heading of section 430 of *The Municipal Act* is amended by striking out the words "having a population of not less than 100,000" in the second and third lines, so that the said heading shall now read as follows: Rev. Stat., c. 266, s. 430, amended.

430. By-laws may be passed by the councils of counties, towns and of townships bordering on a city, and by boards of commissioners of police of cities:

Rev. Stat., c. 266, s. 439, amended.

12. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph and clause:

Certain persons commencing business to pay license fee.

7. For requiring persons not licensed under the provisions of paragraph 5 or 6 who, after the return of the assessment roll, commence to carry on any business in premises in respect to which they are liable for business assessment, to pay a license fee before commencing such business.

Amount thereof.

(*a*) The amount of such license fee shall be a sum computed by reference to the tax on such business assessment which such person would have been required to pay for the current year in respect to the premises in which he has commenced business if he had been previously assessed and made liable for such tax, and shall be either one-half the amount of such tax for the whole year or a proportionate part of same for the balance of the year after he commences business, whichever shall be the greater.

Rev. Stat., c. 266, s. 442, amended.

13. Section 442 of *The Municipal Act* is amended by adding at the end of the heading thereof the words "and of towns," so that the said heading shall now read as follows:

442. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships and villages bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000 and of towns:

Rev. Stat., c. 266, Form 11, amended.

14. The second paragraph of clause *c* of paragraph 9 of Form 11 to *The Municipal Act* is repealed and the following substituted therefor:

In the case of a person claiming to vote in respect of a leasehold estate, insert here, "That you were (*or* your wife was *or* your husband was) actually and truly in good faith possessed to your (*or* her *or* his) own use, and benefit as tenant of the land in respect of which your name is entered on such list." *And in the case of a wife or husband of a tenant, insert here,* "And your (wife *or* husband) is a resident of this municipality and has resided within it for one month next before this election."

No. 98

BILL

The Municipal Amendment Act, 1938.

1st Reading

April 5th, 1938

2nd Reading

April 6th, 1938

3rd Reading

April 7th, 1938

MR. CARR

1938

No. 99

2ND SESSION, 20TH LEGISLATURE, ONTARIO
2 GEORGE VI, 1938

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1939.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
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No. 99 1938

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1939.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from The Honourable Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1939, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$61,799,390-.69 granted for fiscal year 1938-39.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Sixty-one million, seven hundred ninety-nine thousand three hundred and ninety dollars and sixty-nine cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1938, to the 31st day of March, 1939, as set forth in schedule "A" to this Act.

Accounts to be laid before Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1938-39 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for 1938-39 unexpended to lapse.

3. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1939, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

sequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off. Rev. Stat., c. 24.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty. Accounting for expenditure.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and thirty-nine, to defray expenses of:

Agriculture Department	$2,366,430.00
Attorney-General's Department	2,618,224.64
Education Department	11,117,986.00
Game and Fisheries Department	638,850.00
Health Department	10,341,531.00
Highways Department	812,800.00
Insurance Department	67,800.00
Labour Department	705,154.05
Lands and Forests Department	2,930,500.00
Legislation	273,335.00
Lieutenant-Governor's Office	10,000.00
Mines Department	452,000.00
Municipal Affairs Department	466,900.00
Prime Minister's Department	148,470.00
Provincial Auditor's Office	113,500.00
Provincial Secretary's Department	2,098,175.00
Provincial Treasurer's Department	1,589,485.00
Public Welfare Department	19,436,850.00
Public Works Department	5,507,000.00
Miscellaneous	104,400.00
Total estimates for expenditure of 1938-1939	$61,799,390.69

No. 99

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending 31st day of March, 1939

1st Reading

April 8th, 1938

2nd Reading

April 8th, 1938

3rd Reading

April 8th, 1938

MR. HEPBURN (Elgin)

1938